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No. 17

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 31, 2003, at 10 a.m.

## Senate

THURSDAY, JANUARY 30, 2003

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning we will be led in prayer by our guest Chaplain, Dr. J. Howard Edington of the First Presbyterian Church in Orlando, FL.

### PRAYER

The guest Chaplain offered the following prayer:

God on high, hear my prayer: You have led us in the past, lead us still. Gathered in this historic chamber are those who, by Your leave and by the will of the people, have been chosen to lead this Nation. We are a Nation of constitutional ideals; may these Senators lead us always to uphold them. We are a Nation made great by moral conviction; may they not rest until every American has shared in that greatness. We are a Nation which exalts freedom; may they never forget that true freedom exists for each of us only when that freedom exists for all of us. We are a Nation blessed by extraordinary bounty; may their decisions ultimately prove to be a blessing to people whose lives may be anything but bountiful.

Great God, in these days when the red, white, and blue waves proudly over our land, may the truths that flag represents take root in the hearts of both our leaders and our people. May the red of sacrifice, the white of purity, and the blue of loyalty mark the way these Senators lead and the way the American people live; and may we celebrate the fact that truth cannot be killed, love cannot be stopped, hope cannot be

destroyed, freedom cannot be denied, and God cannot be defeated. Therefore, I pray, God bless America, and God bless us all. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. McCONNELL. Mr. President, on behalf of the majority leader, I will announce the schedule for today. This morning, there will be a period for morning business until the hour of 1 p.m., with the time equally divided between the two leaders or their designees. A consent agreement was reached last night for the consideration of the nomination of Gordon England to be Deputy Secretary for Homeland Security. That debate and vote is expected this afternoon. We will notify all Members when that rollcall vote is expected.

In addition, the nomination of John Snow to be Secretary of the Treasury was reported by the Finance Committee by a unanimous vote this morning. It is hoped the Senate will be able

to act on that important nomination during today's session. Therefore, additional votes can be expected during today's session of the Senate.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. Mr. President, I want to ask the distinguished majority whip a question or two. It is my understanding this Friday the Democrats have a retreat in Washington. It is my understanding there is going to be a joint retreat of the congressional Republicans next Thursday and Friday. Is it fair to be able to tell Members that next Thursday and Friday there likely will be no votes?

Mr. McCONNELL. It would be safe to say on Friday, but Thursday would not be safe to say.

Mr. REID. It is my understanding the train leaves at noon. So we could have something in the morning, is that the deal?

Mr. McCONNELL. Yes.

Mr. REID. As I have indicated to the distinguished Senator from Kentucky before we came into session, we will work to see what we can do on the Snow nomination. As the Senator knows, we have one Member on our side who has some questions, I do not think as much with the individual but with some policies. I will talk to him shortly and see if we can expedite this matter.

Mr. McCONNELL. It would be very helpful if that meeting with the Member about Mr. Snow could be expedited. That would be greatly appreciated.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1759

# MEASURE PLACED ON THE CALENDAR—S. 241

Mr. McCONNELL. Mr. President, I understand that S. 241 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 241) to amend the Coastal Zone Management Act.

Mr. McCONNELL. I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time has been reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to address the Senate for a period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO DAVID HOPPE

Mr. KYL. Mr. President, I pay special tribute to a member of the staff of Senator TRENT LOTT who is going to be leaving his Senate responsibilities and going elsewhere in this city to work in the private sector. For many years, David Hoppe has worked in various capacities for Senator LOTT, most recently as his chief of staff when he was majority leader. He also has worked as his staff director. He also worked for Representative Jack Kemp. He has had positions in the Heritage Foundation, as well as working on his own previously. He is a specialist in a variety of areas, including the area of energy policy. I think most of us remember David as someone who was always very clear headed, very level headed, and very helpful to all of us, minority and majority, as we worked in the Senate.

It can be a very hectic proposition to try to juggle all of the things that have to be juggled on the floor, and it takes a very level-headed person to be able to manage the egos of 100 Senators and deal with the majority leader's responsibilities. David Hoppe always did that with great aplomb, and it will be our loss that he leaves the Senate, but I am sure we will not hear the last of David Hoppe. My hat is off to him for his many years of service. I wish him the very best in his new career.

## NOMINATION OF MIGUEL ESTRADA

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD three separate items. The first, as was mentioned by the distinguished assistant majority leader, concerns the Judiciary Committee that is meeting today to consider the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals. I left that meeting in order to be in the Chamber but will be casting my vote in support of his nomination.

I ask unanimous consent to have printed in the RECORD an editorial appearing in today's Wall Street Journal by Herman Badillo, who illustrates some of the reasons why Miguel Estrada should be confirmed when he is brought before the full Senate.

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

[From the Wall Street Journal, Jan. 30, 2003]

QUÉ PASA, CHUCK?

(By Herman Badillo)

NEW YORK.—Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."

But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corralling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom—the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task force, put it well when he said that these liberal Hispanic

groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanic are most united in one thing—the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

## INCOME TAXES

Mr. KYL. Secondly, I ask unanimous consent to print in the RECORD a Wall Street Journal editorial dated Monday, January 27, which is entitled "No More Than 30 Percent." This complements some comments I made yesterday regarding President Bush's tax plan and makes the point that most Americans, rich or poor, agree that the most any American should ever have to pay in income taxes is 30 percent. In fact, most people believe it should be no higher than 30 percent. So even though we have a lot of Americans who are extraordinarily wealthy, by far and away most Americans believe confiscatory taxation violates America's sense of fairness.

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

[From the Wall Street Journal, Jan. 27, 2003]

NO MORE THAN 30%

The political class warriors can never seem to figure out why their "tax cuts for the rich" mantra fails to sway the American public. In the spirit of educating even our opponents, we'd point them to a recent poll from Fox News.

In addition to the usual questions about President Bush's tax cut proposals, the poll asked voters what is the maximum share of income that any American should pay in taxes. More than half think it should be no

more than 20%, and another quarter think it should be somewhere between 20% and 30%. So nearly eight of every 10 Americans think that no one, not even Bill Gates, should pay more than 30% to the government.

Now, even we'll admit to the sin of thinking once in a while that the world would be better off if a few people (Ted Turner, say, or George Soros) were taxed at confiscatory rates. So how to explain such a poll result? One answer is that Americans put more faith in their aspirations than do the envy specialists of Europe or Brookline, Mass. They appreciate America's class mobility and expect, or at least hope, that someday they too will be rich.

But the more fundamental answer may be that confiscatory taxation violates America's sense of fairness. Most Americans simply believe it is wrong, unjust even, for the government to take more than a third (or even a fifth) of the hard-earned income of even the very rich. It is, after all, their money.

Honesty compels us to concede, however, that the Fox poll does give America's income redistributionists some reason to hope. About 1% think the government is entitled to take "whatever" it wants, presumably 100% if need be. This may be a small socialist cadre, but they are clearly committed.

#### STANDING UNITED

Mr. KYL. Finally, I ask unanimous consent to print in the RECORD a letter from several international leaders called "Europe and America Must Stand United," reprinted from the Wall Street Journal. It is signed by representatives from Spain, Portugal, Italy, the United Kingdom, the Czech Republic, Hungary, Poland, and Denmark. It makes the point that other countries in Europe stand with the United States in our determination to bring the country of Iraq into compliance with the norms of international behavior and U.N. resolutions that apply to its weapons of mass destruction program.

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

[From the Wall Street Journal, Jan. 30, 2003]

#### EUROPE AND AMERICA MUST STAND UNITED

The real bond between the United States and Europe is the values we share: democracy, individual freedom, human rights and the Rule of Law. These values crossed the Atlantic with those who sailed from Europe to help create the USA. Today they are under greater threat than ever.

The attacks of 11 September showed just how far terrorists—the enemies of our common values—are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defence of these principles, the governments and people of the United States and Europe have amply demonstrated the strength of their convictions. Today more than ever, the transatlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the United States which has stood the test of time. Thanks in large part to American bravery, generosity and far-sightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and Communism. Thanks, too, to the continued cooperation between Europe and the United States we have managed to guarantee peace and freedom on our continent. The transatlantic re-

lationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognised by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the UN route and our support for the Security Council, at the Prague Nato Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime is disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The United Nations Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those Resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

We are confident that the Security Council will face up to its responsibilities.

Mr. KYL. That is the subject I would like to devote the rest of my time to discussing. It is the issue the President addressed in the State of the Union speech, an issue we dealt with 3 months ago in the Senate when we approved a resolution authorizing the President to use force, if need be, to bring Iraq into compliance with both agreements it had signed at the end of the Persian Gulf war 12 years ago and also various United Nations resolutions.

I rise to speak today because there are obviously a lot of legitimate concerns being expressed by various Members of the Congress, including a long-time Member of the Senate, Senator KENNEDY, who recently introduced a resolution calling for the Senate to revisit this issue. I did not have the op-

portunity to tell Senator KENNEDY I would be speaking about his resolution, but I did want to note this has been dealt with by the Congress. We have given the President the authority.

One could argue with respect to any change in circumstances that conditions have only gotten worse, not better, since the President was granted that authority by the Congress and therefore we do not need to vote on that resolution again or a new resolution giving the President the authority to act. I make that point because of the submission of his resolution yesterday and because of the remarks he made. I will be referring to those remarks.

The point of the President's comments in his State of the Union speech was not to lay out the case for proceeding against Saddam Hussein but, rather, to begin to create the predicate for action we will have to take. People have asked why President Bush has not been more vocal about the case to be made. I don't know because I have not talked to him, but I suspect that the last thing President Bush wanted to do was to be seen as beating the war drums. This is a grave decision he will have to make. It is a decision I know he does not make lightly. He makes it very reluctantly. But in the end, he will have to make a decision. I believe, from the tone and tenor of his remarks on Tuesday evening and the fact that he has not been speaking out a lot about this in the last several weeks, that is an illustration of the fact that he did not want to be seen as promoting the United States involvement in military action in Iraq but rather exactly the opposite: Asking Secretary Powell to visit with our allies at the United Nations and other nations, as well, and Secretary Rumsfeld and Dr. Rice to go out and speak to others to assert their views on the subject and express our views on the subject, to try to find some way to avoid having to use military action to enforce these U.N. resolutions.

The President has made the point that time is running out, that Saddam Hussein has steadfastly, continuously, repeatedly refused to comply with those resolutions and that at some point the international community as a whole, the United Nations as a body, and the United States specifically, have to decide whether these international agreements are going to be enforced. If they are not, then one could easily say they are not worth the paper on which they are written. The United States would have less moral suasion in the world if it refused to act when it had a clear responsibility to do so, and the United Nations and its Security Council would be deemed increasingly irrelevant by virtue of the fact that it has passed no fewer than 16 resolutions expressing the fact that Saddam Hussein has remained in violation of his promise to dismantle his weapons of mass destruction and has not done so.

If we are to rely upon international bodies, multilateral agreements, and even treaties and agreements signed by Saddam Hussein, there has to be an "or else" if they are not complied with or there is no point in entering into them in the first instance. Second, if you do not enforce the agreements, you foster more rogue behavior by nations such as Iraq under Saddam Hussein's leadership because those nations know they can continue to violate international norms of behavior and get away with it because at the end of the day no one is willing to enforce those norms of behavior even when they have been codified in agreements or in United Nations resolutions.

That is why President Bush is right; time is running out, and Saddam Hussein has a very critical decision to make. Will he finally see the handwriting on the wall that his days and his regime's days are very numbered and comply with the agreement he made, to save his own life, to dismantle his weapons of mass destruction under international supervision? That is the term that is used in Resolution 687 of the United Nations which has been incorporated into the most recent Resolution 1441.

That is the basis for the ability of the United States and the other nations of the world to act in this case. Saddam Hussein promised to dismantle his weapons of mass destruction under international supervision. He never did that. There was an inventory in 1998 of his weapons of mass destruction by the United Nations. He has never fully explained what happened to that inventory. He had a last opportunity to do so in the declaration he was invited to file a couple of months ago. A declaration was filed. It contained the same old things he talked about before but no evidence that he had destroyed those weapons of mass destruction.

Now, why did the United Nations say he had to dismantle these weapons under international supervision? Precisely because we did not want to be in the position of having to go find the needle in the haystack: We have to go find evidence somewhere to prove that he still maintains or possesses these weapons of mass destruction. After all of these years and the opportunities he has had to hide these weapons, the burden should not be on the United States or the United Nations to go find these weapons but, rather, right where it was when he signed the agreements at the end of the gulf war and when the United Nations adopted its original resolution saying he had to dismantle these weapons under international supervision. We knew that was the only way we would know for sure it had been done, because of his record of lying and cheating.

Sure enough, over the past 11 years, that record has continued. He has never explained what happened to these weapons. He has never given us the evidence that they have been destroyed. We have evidence that they

still exist, from the declarations of the United Nations in 1998 as well as our own intelligence and some admissions from the Iraqi Government itself and eye witness accounts. You cannot get better evidence than that.

Now, some of this evidence, of course, is collected by the intelligence agencies and not of the kind that can be released publicly. But Secretary Powell is going to visit with our allies and others at the United Nations, hopefully next week, to lay out some additional information we can disclose and, hopefully, persuade these nations it is now time to act.

The basis of the resolution Senator KENNEDY offered was that there should be more time for the inspections to work. I would like to confront that directly because I know that while the concept is well meaning, it is very misplaced. There is nothing in the evidence to suggest Saddam Hussein will change his behavior in the least if he has more time. In fact, quite the opposite is true. The only time Saddam Hussein has ever come forward and done anything that has even begun to suggest compliance has been when he has been pressured to do so, when he has known the time was short and people were going to enforce the agreements he made if he did not do something.

Ironically, the best way to get him to comply is to make it clear that military action is a very distinct and proximate possibility. That is the only basis on which I think there is any hope to avert military action—if he understands it is inevitable unless he complies.

So I think giving him more time would be seen not only by Saddam Hussein but other rogue terrorists and terrorist states in the world as a lack of willingness on the part of the international community to enforce these agreements it has gotten Saddam Hussein to sign and the resolutions the United Nations adopted.

What are the implications of that? If international norms of behavior are not enforced and if the free nations of the world cannot muster the will and the ability to enforce them, it merely fosters similar action by terrorists and rogue states around the world. The eyes of the world are upon us. This is why President Bush has made the commitment to move forward if Saddam Hussein does not comply, because he understands that everyone is watching, and if the rogue terrorists of the world—rogue states and terrorists decide they can get the United States and the United Nations to blink, that at the end of the day they are not really willing to enforce these resolutions and agreements, you can see them act in ways that very soon will challenge us to military action and perhaps at a time when it is more disadvantageous for us to take that action.

The lesson of Korea is a good lesson. It would have been better if we could have dealt with Korea permanently be-

fore it acquired nuclear weaponry. Because it has that kind of weaponry today, and longer-range missiles, we are very reluctant to engage North Korea militarily, and with good reason. We cannot afford to wait until countries such as Iraq or other rogue states acquire similar weapons, nor to decide it is time to deal with them, to get them to comply with these agreements and U.N. resolutions. That is why more time is not the answer. More time will not solve the problem. More time will do nothing but exacerbate the problem.

Confidence is also misplaced to rely on the inspections to produce anything. President Bush has made the point, Secretary Powell has made the point—inspections only work if you have a willing, compliant party on the other side that has demonstrated a desire to dismantle weapons and wants the world to verify that has been done.

We did this before in Ukraine and Kazakhstan, countries that were willing to dismantle their weapons. Where inspections are able to confirm that, demonstrate that, this is a technique that can work. But it can never work, as Secretary Powell said, with a nation such as Iraq which has as its intention hiding these weapons rather than cooperating.

The inspectors are not in Iraq—and I repeat this, the inspectors are not in Iraq—to find evidence with which to prosecute Saddam Hussein. That would be an impossible task. They would have to get enormously lucky to find anything in that country. In fact, I guess we could say they were lucky, to the extent they found 16 shells which contained warheads suitable for chemical weaponry, warheads that were not declared by Saddam Hussein in his declaration and therefore were in clear violation of the U.N. requirement that he destroy these weapons. They were lucky to find them.

People say you need a smoking gun. There is a smoking gun. Why is that not good enough? The bottom line is you cannot put the burden on the inspectors because there is no way in any reasonable period of time that you could expect them to find them all. I have forgotten the exact number now, but there are in the tens of thousands of these weapons that Saddam Hussein had. We knew he had them and he has never shown he has destroyed them. How are we going to find those? The fact is the inspectors are there to verify voluntary compliance. They are not there to try to find things that are being deliberately hidden.

One of the reasons the document I had printed in the RECORD, the letter signed by European leaders, is so important is because it validates the notion that the free nations of the world need to be united in enforcing these norms of international behavior. Thus the headline: "Europe and America Must Stand United." The last paragraph I will read:

The United Nations Charter charges the Security Council with the task of preserving

international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

We are confident the Security Council will face up to its responsibilities.

Some of the signatories include Tony Blair, of the United Kingdom, Silvio Berlusconi, of Italy, Vaclav Havel, of the Czech Republic, one of the real democrats of our era, and others, who make the point that we have to stand united in this effort.

The problem they are facing and that President Bush is facing is if we believe we have to get the approval of the Security Council, and any of the five permanent members, which could be Russia, China, or France, for example, were to veto another resolution, then our hands would be tied. That is why another resolution is not required. Resolution 1441 is good enough. President Bush has made that point and Secretary Powell made the point, telling those nations, don't vote for the Resolution 1441 if you are not going to be prepared to support action when the time comes.

Now the time is upon us. What these distinguished leaders are saying in this letter is the Security Council needs to step to the plate and authorize the kind of action that is called for here. If not, it can be done unilaterally by the United States and the rest of the coalition of willing partners. We have that legal authority to do so. Obviously, it would be better if the world opinion, expressed through United Nations resolutions, backed that action. But that is not necessary.

I would argue also in some respects it is not desirable to keep going back to the United Nations Security Council for approval. This is the reason why. You begin to create the precedent that action is illegitimate unless this group has approved it; that unless the Security Council has given its stamp of approval other nations may not act in their self-interest and in the interest of the international community of countries.

That would be an extraordinarily bad precedent. It would cede the sovereignty of the United States to a United Nations body which is not some kind of angelic group of objective judges on high somewhere, deciding what is right, truth, and justice in the world. It is five countries with self-interests, one of which is the United States. All of these countries act in their self-interest and there is nothing wrong with that. France acts in its self-interest. A lot of French have business dealings with the Iraqis. There is nothing wrong with that except it may violate the sanctions of the United Nations. But they have reasons for perhaps not wanting to confront Iraq.

Russia has a lot of money tied up in Iraq in debts that are owed to Russia. It wants to see those debts repaid.

There is nothing wrong with that. So it is naturally a little bit careful here in the way it is dealing with Iraq in this resolution.

China has its own issues, as have Great Britain and the United States. All of us approach these issues from the legitimate position of our own self-interest as nations. The combination of those five countries represents the permanent members of the Security Council, who have a veto. There are additionally 10 other nations that rotate on and off the Security Council.

We got a unanimous decision of all 15 nations, including even Syria, with Resolution 1441. So we have the ability to proceed. What I am saying is it is a mistake to have to go to the Security Council again, first, because you are setting a very bad precedent that is the only way you can legitimately act, and, second, because there is some kind of suggestion that nations put their self-interests over here on a shelf when they deal with questions such as this. They do not. They make decisions based upon their perception of their own self-interest and there is nothing wrong with that. But what it can mean is that if our interests are divergent enough, we can get into situations where some countries decide to take an action and other countries decide to veto that action. If they have a legal veto, then they can preclude countries such as the United States and Great Britain, for example, from acting in their own self-interest.

That is why, even though I welcome the debate and would be very willing to spend all of the time our good friend and colleague, Senator KENNEDY, would like to take on the floor of the Senate, debating his resolution to have yet another expression of Congress in support of military action by the President, it is not necessary. We have already covered that ground. It has already been approved by the Senate. The President has taken a lot of action in reliance upon the action of the Senate back in November.

It is kind of like pulling the rug out from under him. I know that is not Senator KENNEDY's intent, but it could have that effect because the President relied on the approval the Senate gave to him to mobilize tens of thousands of American troops all over the world. These troops are now committed to the theater of Iraq. A great deal depends upon our ability to combine a military mission with the timing that is required to achieve success, and all the other factors that are involved in a successful outcome of the enforcement of these U.N. resolutions by the United States and its committed allies.

We can't be getting to the point where there is a herky-jerky, we'll give you the authority, we'll take it back, OK, we'll give you some more, now you can't. The Commander in Chief cannot operate that way. That is why last December we said we will vote to give the authority. Don't vote for it if you don't think he should exercise that. Many of

our colleagues did not, and they have good and sufficient reasons for voting that way. The vote overwhelmingly carried. The President was granted the authority by the Congress. Now, on the eve of his exercise of that authority, if he chooses to do so, is not the time to suggest that, well, we didn't really mean it; he has to come to us one more time. That would be an act, I suggest, that would not be worthy of the Senate, given our responsibilities to act in concert with the President in conducting his responsibilities as Commander in Chief.

Even though we know there are sincere questions and concerns about taking military action—and every one of us shares those concerns—we also know leadership is about making decisions when the situation is not clear. All of us have heard about the fog of war. Henry Kissinger has written about the essence of leadership and making a decision when almost everything seems to be in doubt and there is no clear path to a decision. Making the right decision at that time and following through is what enables you to succeed, because waiting until everything is clear is usually to wait until it is too late. It is the situation I described before with North Korea, for example. If we wait until it is clear that Saddam Hussein has the nuclear weapon, it will be too late to confront him over the use of that weapon or over the fact he possesses that weapon.

That is why the President has been so insistent that the original promise of Saddam Hussein to dismantle under international supervision and never having complied with that promise must now be enforced. That is the essence of the President's case. While I am sure he will speak to the American people and lay this out much more clearly than I have, and that he, Secretary Powell, and others will continue to speak with our allies so they know fully why we are prepared to act and will feel comfortable in joining us in this action—and even with those actions which I think we can contemplate in the next several days—I think it would be a big mistake, as I said, for the Senate to assume we need to revisit this issue in a legal way and that the President would not be authorized to act unless we pass some kind of legislation.

I welcome the debate, as I said. If our colleagues wish to have that debate here on the Senate floor, I suggest it would be far better for us to acknowledge the President's authority and to stand behind him in the decisions he makes, knowing our support for his actions is support for the troops we are sending in harm's way. The best thing we can do for those sons and daughters is not to continue to question and wring our hands and express self-doubt about what we are doing but to solemnly weigh all of the factors, make a judgment to support the President in his judgment, and then support those troops when they are called upon to

act. That is the best way we can repay those who are willing to make that supreme sacrifice for that willingness on their part.

I solemnly hope as we debate these issues, we can do so in that spirit, in the spirit of the sacrifice our troops are willing to make, and that the debate be as serious, as analytical, and as non-partisan as much as we can make that kind of debate, but when the time comes that every one of us will support the President and our troops.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from Arizona left off.

What has changed that would lead us to have another debate on a resolution authorizing force? Since the last time we debated this issue here on the Senate floor, I do not know if the Senator from Arizona has any thoughts as to what sort of things have changed. The only thing I can think of which has changed is we have had weapons inspectors in the country and those weapons inspectors have been deceived. We did not have weapons inspectors in the country at the time we were debating this resolution in September of last year. The only thing I can think of is the Senator from Massachusetts and others who wanted to debate this issue wanted to make the point that, Well, weapons inspectors haven't found anything, and maybe that has changed. Remember, they weren't in the country in the first place.

We didn't find anything in the first place when the U.N. took as a given that he had these weapons of mass destruction. It was simply a matter of what he was going to declare and what he had done with them. He still hasn't.

From my perspective, I haven't seen any change. We knew he had these weapons. The President detailed them the other night. He hasn't disclosed what he has done with these weapons, which is pretty status quo.

When we were debating in September, we had had weapons inspectors who had been given the opportunity to determine where these weapons were, and Saddam Hussein had not cooperated.

Mr. KYL. Mr. President, if I could respond to the Senator from Pennsylvania, I don't want to characterize Senator KENNEDY's response to that. He made his statement. The essence of one of the things he said was things have changed since we debated this. From his perspective, he said things have changed. One of the things he said was inspectors had not been able to find anything.

I would respond to that in two quick ways.

First of all, the U.N. inspectors have determined Iraq is not voluntarily disarming as required by United Nations Resolution 1441. Quoting Hans Blix, head of the inspector team:

Iraq appears not to have come into genuine acceptance—not even today—of disarmament

which was demanded of him and which he needs to carry out to win the confidence of the world and live in peace.

Mr. SANTORUM. Mr. President, I would say to my colleague that when we voted on this resolution in September there were no weapons inspectors in the country. There was not even the prospect of weapons inspectors in the country. I keep coming back to what has changed substantively. The fact that weapons inspectors haven't found anything is a fact, but it is not relevant to what the debate was back in September when we passed this resolution because there was not even the prospect of weapons inspectors at that time. The debate was clearly about the fact that Saddam had weapons of mass destruction and he had not come forward to date and disclosed them. All we have seen over the past few months is more of the same.

Mr. KYL. If I could respond to the Senator from Pennsylvania, some of the best evidence of what has changed or what hasn't changed comes from Secretary Powell's comments on the United Nations report. Here is what he said:

Iraq has been and continues to be in material breach of all its earlier obligations. We are giving the resolution one more chance to Iraq. We put a firm list of conditions for Iraq to meet and what they should allow the inspectors to do to assist them in disarmament. Iraq's time for disarmament is fast coming to an end.

Mr. SANTORUM. It seems to me what Senator KENNEDY put forward is what many in the press have put forward, which is really a change of expectations and putting up, I would argue, the straw man; that is, it is our obligation to show Saddam is not in compliance by finding a weapon of mass destruction; the fact we haven't found one is somehow a breach on our part, or a problem; and a level of evidence we haven't been able to meet. Of course, just the opposite is true. As the Senator from Arizona just read, it is his obligation to prove he is in compliance, not our obligation to prove he is not in compliance.

Mr. KYL. If I may further respond to the Senator from Pennsylvania, this is not just our view, Secretary Powell's view, or President Bush's view. The letter we saw in today's Wall Street Journal by prestigious leaders in countries such as Great Britain, Portugal, Italy, and the Czech Republic said this:

Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly, this week, the U.N. weapons inspectors have confirmed that his long established pattern of deception, denial, and noncompliance with U.N. Security Council resolution is continuing. We cannot allow a dictator to systematically violate those resolutions.

Mr. SANTORUM. Another point that is being made is these inspectors are not finding anything, and that there is this undercurrent of expectation that it is their role to be detected or investigated; that they are over there to

find the proverbial needle in the haystack; that they are there to be Sherlock Holmes when, of course, that is not their mission. Their mission there is not as detectives. They are inspectors. I use the example of someone who runs a gas station. Someone from the Bureau of Weights and Measures comes in and determines whether your scales are operating correctly. Are you running a legitimate business? You show them the record of what your pump is pumping out in gas, and they check it to make sure it is valid. That is what these inspectors are doing. If you are conducting illegal activities and siphoning off gas somewhere, they are not going to find that by checking whether your pump is working right.

So that really is the case with these inspectors, is it not, that they are there to check as to what Saddam is telling us where his weapons of mass destruction went, if they actually went there, or were destroyed. Since he has not provided us any of that information, it is very hard for them to be able to find any smoking gun or deposit of weapons, when their job really isn't to do that; it is just to validate what he is telling them.

Mr. KYL. Mr. President, I say to the Senator from Pennsylvania, that is exactly right. The analogy is a good one. It is somewhat similar to what Secretary Powell has said. If I can find that, I will put it in the RECORD right here.

But it is also interesting that not only is their job not to be a detective but, rather, to verify voluntary compliance. But since the resolution, passed by the Senate, authorizing the President to use force if necessary, here is what has happened: The inspectors have not been able to interview any Iraqis in private. The inspectors have still not received from Iraq a full list of Iraqi personnel involved with the WMD programs. The inspectors have not been able to employ aerial surveillance. They will not guarantee the safety of the U-2 planes. In fact, they shoot at our pilots every day as we try to surveil their country. Inspectors have caught Iraqis concealing top secret information. Inspectors have evidence that Iraq has moved or hidden items at sites just prior to inspection visits. And, of course, Iraq did not provide a complete declaration of the WMD program as it is required to do.

So as to the question of what has changed with respect to inspections, it is all bad news, not good news.

Mr. SANTORUM. The fact of the matter is, nothing has changed from the inspections that occurred prior to the debate here in the Senate back in September. So I really question what the motivation is of having this debate again when, on a substantive basis, nothing has changed, other than continued and maybe even more explicit deception on the part of Saddam Hussein in hiding these weapons of mass destruction.

What has changed, I would argue, is the United States and our coalition



partners have moved forward in a plan of deployment to convince Saddam we are serious, that if he does not comply, and comply quickly and completely, there will be action taken.

As we had this debate on the floor—and one of the reasons many Members here supported this resolution—it was to make sure Saddam knew we were serious, we were going to follow through with what we said we would do, and the President had the support of the American public, thereby making it a credible threat, giving—I heard this over and over—giving peace the best chance by letting Saddam know the certainty of his noncompliance.

Mr. KYL. Might I just make one final comment to the Senator from Pennsylvania?

Mr. SANTORUM. Please.

Mr. KYL. I did find what I was looking for. The Senator has made exactly the right point. Inspectors can verify someone who wants to be in voluntary compliance, but inspectors cannot find something you are trying to hide. Two comments. Secretary Wolfowitz said, on January 23:

It is not the job of inspectors to disarm Iraq. It is Iraq's job to disarm itself. What inspectors can do is confirm that a country has willingly disarmed and provide verifiable evidence that it has done so.

Then Secretary Powell had said this in the Washington Post a week ago:

The question isn't how much longer do you need for inspectors to work. Inspections will not work.

Mr. SANTORUM. Yes. The term I use over and over again is that these are inspectors, not investigators. These are not detectives. This concept that inspectors will find a smoking gun is absurd. It is absurd. They will not because they are not looking for a smoking gun. It is not their mission to find a smoking gun. They are there, as the Senator from Arizona quoted our people at the Defense Department—Paul Wolfowitz—they are there to determine whether Saddam is telling us the truth in the information he has given us. Since he has not given us any information as to what he has done with his weapons of mass destruction, it is very difficult for them to determine whether he is telling the truth.

So this whole concept, No. 1, that the burden of proof is on the United States of America or on the United Nations or on these weapons inspectors to find what Saddam has is false. And the expectation that there is some smoking gun we must show Members of the Senate, people in America, or people around the world, as some countries have indicated, is absurd on its face. Certainly, the countries that are involved in this action and have been involved in these negotiations at the United Nations know it. They know these inspectors are not there to find a smoking gun, are not there to find weapons of mass destruction. That is not what they are there to do.

They happened to stumble onto 16 warheads that could use chemicals,

that could contain chemical and biological weapons. They stumbled onto them. It just tells you how many of these things are probably lying around where even inspectors who are not looking for them can stumble onto them.

So the basic point I am trying to make is nothing has fundamentally changed, except two things: No. 1, more of the same; more of the same; Saddam Hussein is not disarming and he is not cooperating, which he is required to do under the United Nations resolution. That has not changed. And the threat to the United States as a result has not changed. That was a threat when we debated this in September. It is a threat today. So those things have not changed.

One thing has changed: We have begun, along with our coalition partners, to begin to deploy force in the region with the express purpose of giving Saddam every opportunity to understand the seriousness of our commitment. We should not at this time back down from that commitment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to be recognized for 15 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. CARPER. Mr. President, I have a couple comments. First, on the heels of what has been said by our friends on the other side, a little more than 24 hours ago we listened as the President addressed our Nation and shared with us how he thinks we are doing and how he thinks we could do better.

I thought it was, for the most part, a good speech, well delivered. There were a number of aspects of the address I especially welcomed. As a former Governor of Delaware, who has been a mentor for over 5 years, and who went out and recruited 10,000 mentors in our State, I especially appreciated his recognition for the importance of the roles of mentors in young people's lives and the call for other Americans to mentor children in their own communities.

I very much appreciated his, I believe, sincere commitment toward rallying the United States to help fight the AIDS epidemic in Africa and to put our money where our mouths are.

A year or so ago we sat just down the Hall in the House Chamber and the President talked about an axis of evil in which he included North Korea, Iraq, and Iran. I had some difference with what he said, particularly dealing with Iran. He simply seemed to lump all the Iranians together, whether they happen to be the ruling clerics, who are squashing human liberties, civil rights in that country, or whether they happen to be many of the younger people,

those who have taken to the streets, who have demonstrated, risked their lives in a commitment to democracy.

I was very pleased when President Bush, in his comments the night before last, spoke to the situation in Iran and acknowledged there are two camps. There is a camp whose direction we do not endorse, we do not support, but strongly differ with. But there are a lot of good people in that country who are trying to do the right thing for themselves in a way we would welcome as they seek to restore civil liberties, human liberties, human rights, and to infuse a true democracy in that country.

There are a lot of people in that country who, frankly, like this country. On the heels on 9/11, and a time or two since, we have heard of spontaneous and organized demonstrations there where a number of people have expressed their sympathy with what we have suffered as a result of 9/11.

Those are just a few aspects of the President's speech in which I found favor.

There were a couple others that I thought were missing. Delaware is a State where we have had a remarkably strong economy. Our unemployment rate today is about 4 percent, which compares very favorably with other parts of America. I am not sure what the situation is in Montana, home of our Presiding Officer. Some States have unemployment rates of 6, 7, maybe 8 percent. We have a million or more people who don't have a job today than we did a year or so ago. I was disappointed in the President's decision not to acknowledge that these are tough times for a lot of States financially, that the cumulative deficits faced by the States this year are in the tens of billions of dollars, actually getting bigger, not smaller, as the year goes forward.

Some in this body think we should write out a check and provide revenue sharing for the States. I was never a big advocate for revenue sharing when I was a Member of the House or as a Governor for 8 years. I am not a huge advocate of revenue sharing today. Unfortunately, we actually don't have a whole lot of revenues to share these days, given the kind of budget deficits we face. But there are a couple of ways we might want to consider helping the States. I will just mention three. I will certainly pursue those with the administration and my colleagues.

No. 1, States are getting killed on Medicaid costs. As unemployment goes up, people are losing health care and more people are showing up asking for coverage under Medicaid, health care for low-income and unemployed people. There is a formula called the FMAP formula that specifies what percentage of Medicaid is paid by the Federal Government and what percentage is paid by the States. It varies from State to State. For my State, the Feds pay roughly half and the State pays half of Medicaid costs. In some cases, the

States pay less, in some cases maybe a bit more.

We ought to change that formula for a year or two, as the States try to get on their feet and provide a little bit more help—not forever, not permanently, but to make a modification for a year or two in the share of the Medicaid cost we are willing to bear, not by 10, 20 percent, but by a couple of percent.

Another area where we can help States—and it has a lot to do with doing what is right and also what is in the best long-term economic interest—is making sure we fully fund No Child Left Behind, something we debated at some length just last week. States don't need unfunded mandates. As their revenues are dropping, most States have adopted basic standards for math, science, English, and social studies, and they are measuring student progress towards those standards. States are under pressure to cut back on the extra learning time they put in place. They are under pressure to cut back on the funding they are providing for Head Start and early childhood education.

It is important for us to make sure we meet our commitment for funding No Child Left Behind, so as the States struggle to come up with the money to pay for a whole host of costs, at least we are meeting our side of the bargain for funding education.

One other area the President spoke to, at least indirectly, was State and local frontline defenders—police, paramedics, fire, and others—when we have our next terrorist attack. Unfortunately, we probably will. The people who will be confronted with that initiative aren't so much those of us here in Washington; it is going to be the cop on the beat, the paramedic on duty, the fire station that gets the call; they are going to be among the first.

It is important that we do what we can and need to, working through our new Department of Homeland Security and funding the problems we have authorized, listening to the States where they believe their need is the greatest, and be responsive to that.

Yesterday, the Congressional Budget Office, on the heels of the President's State of the Union Message, brought up a subject that he did not; that is, the size of our budget deficit. The President did not bring up the size of our trade deficit either. The size of the Nation's trade deficit last month was about \$40 billion. It wasn't that long ago, if we had had a trade deficit of \$40 billion for 1 year, not 1 month, people would have been alarmed. A lot of alarms would have gone off in this city and around the country. Our trade deficit last month was \$40 billion. Our trade deficit last year reached close to \$400 billion. It has been a long time since we had a surplus on the trade side—far too long. But the numbers are going in the wrong direction. We need to be mindful of that and concerned.

The budget deficit numbers are going the wrong way, too. It wasn't that long

ago that they were actually going in the right direction. Starting in 1998 and 1999, 2000 and 2001, we actually had budget surpluses for the first time since 1969. I don't recall, hearing the President's State of the Union Message, his mentioning the issue of budget deficits or trade deficits. If he did, I missed it. But to be honest with the American people and ourselves, they are important. They are problems. They are concerns. They need to be addressed.

The President, in an effort to try to get the economy moving again, has said what we ought to do is cut taxes. He has laid out a proposal for doing that, with getting rid of the double taxation of dividend income. In theory, it is not a bad idea, although his approach is one I am not sure is the best. It may make more sense to let businesses expense their dividend payments as they do interest payments, if they are interested in getting rid of this imbalance that is favored toward debt by companies. But I don't want to quarrel with that.

We have cut taxes two times now: 2001, a large tax cut; 2002, a smaller tax cut bill. It is like the quarterback or the coach who is calling a play. The President called the play in 2001: We have an economy that is not doing well; let's cut taxes. The economy is not doing well; let's cut taxes in 2002. The economy is still not doing well; let's cut taxes again in 2003.

As a former Governor, I used to cut taxes fairly regularly in my State. We cut them for 7 out of the 8 years I was privileged to be Governor. But we also cut taxes in a way that was consistent with a balanced budget, in a way that was balanced, fair, and equitable. We cut taxes in a way that we believed would stimulate the economy, the economic development and creation of jobs. We had a litmus test. A similar litmus test needs to be applied to this proposal. Will it stimulate the economy in the near term? Is it consistent with a balanced budget over the long haul? Is it broad based, equitable? And is there anything in there to help the States as a result of passing those tax cuts in 2001 and 2002? because so many State budgets or State tax laws piggyback on Federal tax laws. They are interconnected. When we cut Federal taxes, we also cut States taxes. As they are struggling to make ends meet, we are prepared to cut taxes again, another \$4 or \$5 billion added to an already heavy burden for States.

I have talked of late with a lot of business leaders in my State, and they acknowledge that the idea of eliminating the double taxation of dividends is probably the right thing to do. Intellectually, a number of them have said—and I agree in the context of overall tax reform—it may make sense. Doing it just on its own to stimulate the economy maybe doesn't. At least it won't have the kind of near-term effect for which many would hope.

What a number of people a whole lot smarter than I, who study the economy

and economics, study our banking system, and who run companies, have said is, more than a tax cut right now to get our economy moving, more than a spending package to get our economy moving, we need to get rid of the uncertainty we face, not so much here at home, although the threat of terrorism is part of it, but around the world.

The President spent a lot of time talking about uncertainty—with respect to North Korea, an effort to pursue a diplomatic solution, which I believe is the right approach, and then with respect to Iraq, the approach he spoke to and which has been discussed here today. For myself, the weapons of mass destruction that Iraq and Saddam Hussein had just a few years ago, in the late 1990s, acknowledged they had a few years ago, I believe they still have. They have them hidden. They have not reported them. They have not destroyed them. I believe they have them.

The question is: What do we do to get rid of them? Take them away from Saddam Hussein, and his ability to deliver them in the region or outside that region?

On this one, we may have a difference of opinion, although I am not sure just how broad those differences are. I heard the President talk about his request of Colin Powell to go to the United Nations on February 5 and give an address with respect to what we believe we ought to do, given the early results from the inspections, what we should do next at the United Nations, the Security Council, for our country.

Sitting in the House Chamber, I heard the President say he is going to send the Secretary of State over to the United Nations on February 5 to give an address. I wonder if this is going to be like something that happened about 40 years ago when John Kennedy was our President and he sent Adlai Stevenson, Ambassador to the United Nations, as we were working on another potential military altercation, this one a very serious one between the United States and the Soviet Union, as we believed the Soviets were introducing intermediate-range ballistic missiles into Cuba which could target the United States. We asserted this was what the Soviets were trying to do. They denied it. We attempted to gain intelligence information, which was difficult to come by. Finally, we hit pay dirt. Intelligence flights over Cuba captured not only missiles but the site preparation that was on going. Our U.N. Ambassador, Adlai Stevenson, presented that information to his colleagues at the U.N. in one of the most famous exchanges I have ever heard at the U.N. When the Soviet Ambassador was confronted with these photographs of all this material, larger and larger photographs, he said he needed more time to understand the translation of the accusations coming from our Ambassador. He said he needed more time to understand what he was hearing through the earphones. Adlai Stevenson said, "You



know what I am saying, and you know what these pictures say, and I will wait until hell freezes over."

That is a long time, until hell freezes over. I am not going to suggest we should wait that long for the Iraqis to fess up and turn over and enable to be destroyed that which I think they clearly harbor. But I hope, just as the President of 40 years ago chose to continue to work through the U.N., this President will do so as well.

Going back to the economy, the best thing we can do to get the economy moving is to eliminate all this uncertainty that flows out of Iraq—hopefully, peacefully, but in the end, if need be, through war. Hopefully, we can do it without going to war. If it is necessary, we should be prepared to do that. I have said all along, one of the reasons we were so effective in the Persian Gulf war—which I supported as a House Member and voted for as a House Member—I think one of the reasons we were successful there, and in Afghanistan, is we didn't do it by ourselves. It was not just unilaterally, us by ourselves. We led an armada of nations. If there is to be a military altercation, our chances for success are better enhanced if we do not do it alone and if we have the blessing of the U.N. and if we have broad-based military support from around the globe. I worry about the human cost to our soldiers, sailors, and airmen in a war. We are going to win and, I think, without a great deal of difficulty. Taking the cities might be a lot more dangerous, and we face a threat from the biological and chemical weapons he has. Hopefully, we will win without a huge cost in lives.

The financial cost will be lowered if we have others by our side. What I am concerned about maybe more than anything is the cost of the postwar, the morning after, when we help try to put Humpty-Dumpty back together in a country that has no democratic memory or institutions, a lot of dissenting voices and ethnic groups—pulling them together and trying to help them become a democracy. It is going to take time, money, and a lot of patience. I don't want the U.S. to be doing that by itself.

How does all this fit into the economy? We can offer businesses all kinds of tax incentives to make investments and other decisions. When they are faced with uncertainty, they are not going to make the kind of investments we want them to make and they ought to be making. The sooner we can resolve—hopefully peacefully and, if not, through the use of force—the situation in the Middle East, I think that probably augurs better for the economy.

Having said that, let's be careful in our rush to judgment and keep in mind that our chances for early success, and for reducing the loss of life to Americans, and our chances for reducing out-of-pocket costs for the war and the postwar occupation are diminished if we have a lot of others with us. Especially in the next few weeks, we need

to continue to be patient and share our intelligence with the inspectors and give them the best information for them to do their job on the ground.

I thank the Chair for the time. I look forward to yielding back whatever time I have and hearing from my friend and colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE SITUATION IN IRAQ

Mr. BINGAMAN. Mr. President, as I understood the President in his State of the Union speech earlier this week, it is his intention to begin military action against Iraq sometime in the near future. That stated intention of the President causes me some grave concern, and I wanted to come to the Senate floor today and express that concern.

Let me begin by stating the propositions with which we all agree. First, I think we all agree Saddam Hussein is a brutal despot who has terrorized his own people and has threatened his neighboring States for many years. Second, whether or not Saddam Hussein has weapons of mass destruction in a readily usable form at this time, we must assume that given the opportunity he will obtain those weapons. Third, it is very much in our interest as a Nation, and in the interest of our allies, that Saddam Hussein be prevented from acquiring or maintaining those weapons.

But the question before the country today is narrower than these propositions. The question before the country is whether we should cut short the inspection process that is currently underway. The U.N. inspection process is a process that we rightly insisted upon in our earlier deliberations with the Security Council. So the question is whether we should cut short that inspection process and begin a military action to remove Saddam Hussein and his regime from power.

The President has moved aggressively to prepare this Nation for war. The total number of personnel who have been either ordered to deploy, or who have been put on alert to do so, is roughly 148,000. There are roughly 23,000 marines en route to the Persian Gulf aboard three major task forces. There are roughly 25,000 sailors and aviators attached to the various carrier battle groups and amphibious task forces that are either en route to the region, on standby, or are on surge status. These forces include some 175 aircraft of all types and over 1,000 VLS launch tubes carrying nearly 500 cruise missiles.

So steps have been taken to prepare us militarily for war. Today, we are, simply put, on the brink of war. But while these military preparations have

occurred, there has also been a parallel effort going on through the U.N. to ascertain what weapons of mass destruction Saddam Hussein holds, where those weapons are located, and what threat those weapons pose to his neighbors and to other free nations.

We have come to a difficult decision point. The Pentagon is advising the President that military preparations are nearly complete. The President must decide whether this country should proceed militarily in the next few weeks or whether we should continue to support the efforts of U.N. inspectors to carry out the instructions that were given them by the U.N. Security Council, on which we sit.

In my view, the President should allow the U.N. inspectors to continue their work. If they are denied access to sites they wish to inspect, then the use of military force will be justified. If they find substantial evidence of a weapons program that threatens Iraq's neighbors, then we should join with those neighbors in eliminating that threat. But up until this date, up until today, neither of these circumstances prevails. The inspectors themselves have so stated, and they have asked for additional time to complete their work.

The decision the President makes on going to war with Iraq will be the first test of the new National Security Strategy that was issued by the White House in September of last year. In that document, the President acknowledges that the legitimacy of preemptive military action depends "on the existence of an imminent threat."

Right after that statement appears in this document, however, the document speaks of "adapting the concept of imminent threat." How much adaptation of that concept is wise? How much adaptation of that concept makes sense for ourselves and our allies as a precedent for the future?

This National Security Strategy document that the administration issued in September of last year goes on to talk about our willingness as a nation to take military action to preempt emerging threats. Here the President is contemplating, in the circumstance before us today, military action not to meet a specific identified military threat but to depose a hostile government, even though no imminent military threat has been identified.

In his State of the Union Address, the President framed the issue as being whether "war is forced upon us." He stated that, "If war is forced upon us, we will fight with the full force and might of the U.S. military—and we will prevail." I, and I am sure most Americans, agree with that statement. But in my view, as of this date, war has not been forced upon us. It is not credible for us to assert as a nation that war has been forced upon us.

The U.N. inspection process proceeds. If there is evidence of an imminent threat that requires us to take preemptive military action, I have not seen

that evidence. Many Americans and many of our allies also have been unpersuaded by the evidence they have seen.

The more willing we are to assert the right to start a war to change the government of a sovereign state, the more we risk encouraging preemptive action by other nations against governments they wish to depose. And the less we need to identify an imminent threat before beginning a war, the more we undermine efforts to avoid unprovoked conflict in the future.

The President was right to go to the United Nations and to insist that U.N. inspectors return to Iraq. His latest decision to send Secretary Powell to the Security Council to present evidence of the threat posed by Iraq is also proper, and I look forward to hearing what that evidence is. But unless that evidence demonstrates a threat that requires military action now, the wise course is for us to hold off on that military action and allow the U.N. inspectors to do their work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to share with my colleagues my very great concern over ties between Iraq's probable possession of biological and chemical weapons and the potentially catastrophic actions taken by the Reagan and Bush, Sr., administrations, including the active assistance of then "special envoy" and now Secretary of Defense Donald Rumsfeld. This arming of Saddam Hussein with weapons of mass destruction by the Reagan and Bush, Sr., administrations has now been disclosed from what were previously classified documents, as reported recently by the Washington Post.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

[From the Washington Post, Dec. 30, 2002]

U.S. HAD KEY ROLE IN IRAQ BUILDUP; TRADE IN CHEMICAL ARMS ALLOWED DESPITE THEIR USE ON IRANIANS, KURDS

(By Michael Dobbs)

High on the Bush administration's list of justifications for war against Iraq are President Saddam Hussein's use of chemical weapons, nuclear and biological programs, and his contacts with international terrorists. What U.S. officials rarely acknowledge is that these offenses date back to a period when Hussein was seen in Washington as a valued ally.

Among the people instrumental in tilting U.S. policy toward Baghdad during the 1980-88 Iran-Iraq war was Donald H. Rumsfeld, now defense secretary, whose December 1983 meeting with Hussein as a special presidential envoy paved the way for normalization of U.S.-Iraqi relations. Declassified documents show that Rumsfeld traveled to Baghdad at a time when Iraq was using chemical weapons on an "almost daily" basis in defiance of international conventions.

The story of U.S. involvement with Saddam Hussein in the years before his 1990 at-

tack on Kuwait—which included large-scale intelligence sharing, supply of cluster bombs through a Chilean front company, and facilitating Iraq's acquisition of chemical and biological precursors—is a topical example of the underside of U.S. foreign policy. It is a world in which deals can be struck with dictators, human rights violations sometimes overlooked, and accommodations made with arms proliferators, all on the principle that the "enemy of my enemy is my friend." Throughout the 1980s, Hussein's Iraq was the sworn enemy of Iran, then still in the throes of an Islamic revolution. U.S. officials saw Baghdad as a bulwark against militant Shiite extremism and the fall of pro-American states such as Kuwait, Saudi Arabia, and even Jordan—a Middle East version of the "domino theory" in Southeast Asia. That was enough to turn Hussein into a strategic partner and for U.S. diplomats in Baghdad to routinely refer to Iraqi forces as "the good guys," in contrast to the Iranians, who were depicted as "the bad guys."

A review of thousands of declassified government documents and interviews with former policymakers shows that U.S. intelligence and logistical and support a crucial role in shoring up Iraqi defenses against the "human wave" attacks by suicidal Iranian troops. The administrations of Ronald Reagan and George H.W. Bush authorized the sale to Iraq of numerous items that had both military and civilian applications, including poisonous chemicals and deadly biological viruses, such as anthrax and bubonic plague. Opinions differ among Middle East experts and former government officials about the pre-Iraqi tilt, and whether Washington could have done more to stop the flow to Baghdad of technology for building weapons of mass destruction.

"It was a horrible mistake then, but we have got it right now," says Kenneth M. Pollack, a former CIA military analyst and author of "The Threatening Storm," which makes the case for war with Iraq. "My fellow [CIA] analysts and I were warning at the time that Hussein was a very nasty character. We were constantly fighting the State Department."

"Fundamentally, the policy was justified," argues David Newton, a former U.S. ambassador to Baghdad, who runs an anti-Hussein radio station in Prague. "We were concerned that Iraq should not lose the war with Iran, because that would have threatened Saudi Arabia and the Gulf. Our long-term hope was that Hussein's government would become less repressive and more responsible."

What makes present-day Hussein different from the Hussein of the 1980s, say Middle East experts, is the mellowing of the Iranian revolution and the August 1990 invasion of Kuwait that transformed the Iraqi dictator, almost overnight, from awkward ally into mortal enemy. In addition, the United States itself has changed. As a result of the Sept. 11, 2001 terrorist attacks on New York and Washington, U.S. policymakers take a much more alarmist view of the threat posed by the proliferation of weapons of mass destruction.

When the Iran-Iraq war began in September 1980, with an Iraqi attack across the Shatt al Arab waterway that leads to the Persian Gulf, the United States was a bystander. The United States did not have diplomatic relations with either Baghdad or Teheran. U.S. officials had almost as little sympathy for Hussein's dictatorial brand of Arab nationalism as for the Islamic fundamentalism espoused by Iran's Ayatollah Ruhollah Khomeini. As long as the two countries fought their way to a stalemate, nobody in Washington was disposed to intervene.

By the summer of 1982, however, the strategic picture had changed dramatically.

After its initial gains, Iraq was on the defensive, and Iranian troops had advanced to within a few miles of Basra, Iraq's second largest city. U.S. intelligence information suggested the Iranians might achieve a breakthrough on the Basra front, destabilizing Kuwait, the Gulf states, and even Saudi Arabia, thereby threatening U.S. oil supplies.

"You have to understand the geostrategic context, which was very different from where we are now," said Howard Teicher, a former National Security Council official, who worked on Iraqi policy during the Reagan administration. "Realpolitik dictated that we act to prevent the situation from getting worse."

To prevent an Iraqi collapse, the Reagan administration supplied battlefield intelligence on Iranian troop buildups to the Iraqis, sometimes through third parties such as Saudi Arabia. The U.S. tilt toward Iraq was enshrined in National Security Decision Directive 114 of Nov. 26, 1983, one of the few important Reagan era foreign policy decisions that still remains classified. According to former U.S. officials, the directive stated that the United States would do "whatever was necessary and legal" to prevent Iraq from losing the war with Iran.

The presidential directive was issued amid a flurry of reports that Iraqi forces were using chemical weapons in their attempts to hold back the Iranians. In principle, Washington was strongly opposed to chemical warfare, a practice outlawed by the 1925 Geneva Protocol. In practice, U.S. condemnation of Iraqi use of chemical weapons ranked relatively low on the scale of administration priorities, particularly compared with the all-important goal of preventing an Iranian victory.

Thus, on Nov. 1, 1983, a senior State Department official, Jonathan T. Howe, told Secretary of State George P. Shultz that intelligence reports showed that Iraqi troops were resorting to "almost daily use of CW" against the Iranians. But the Reagan administration had already committed itself to a large-scale diplomatic and political overture to Baghdad, culminating in several visits by the president's recently appointed special envoy to the Middle East, Donald H. Rumsfeld.

Secret talking points prepared for the first Rumsfeld visit to Baghdad enshrined some of the language from NSDD 114, including the statement that the United States would regard "any major reversal of Iraq's fortunes as a strategic defeat for the West." When Rumsfeld finally met with Hussein on Dec. 20, he told the Iraqi leader that Washington was ready for a resumption of full diplomatic relations, according to a State Department report of the conversation. Iraqi leaders later described themselves as "extremely pleased" with the Rumsfeld visit, which had "elevated U.S.-Iraqi relations to a new level."

In a September interview with CNN, Rumsfeld said he "cautioned" Hussein about the use of chemical weapons, a claim at odds with declassified State Department notes of his 90-minute meeting with the Iraqi leader. A Pentagon spokesman, Brian Whitman, now says that Rumsfeld raised the issue not with Hussein, but with Iraqi foreign minister Tariq Aziz. The State Department notes show that he mentioned it largely in passing as one of several matters that "inhibited" U.S. efforts to assist Iraq.

Rumsfeld has also said he had "nothing to do" with helping Iraq in its war against Iran. Although former U.S. officials agree that Rumsfeld was not one of the architects of the Reagan administration's tilt toward Iraq—he was a private citizen when he was appointed Middle East envoy—the documents show that his visits to Baghdad led to

closer U.S.-Iraqi cooperation on a wide variety of fronts. Washington was willing to resume diplomatic relations immediately, but Hussein insisted on delaying such a step until the following year.

As part of its opening to Baghdad, the Reagan administration removed Iraq from the State Department terrorism list in February 1982, despite heated objections from Congress. Without such a move, Teicher says, it would have been "impossible to take even the modest steps we were contemplating" to channel assistance to Baghdad. Iraq—along with Syria, Libya and South Yemen—was one of four original countries on the list, which was first drawn up in 1979.

Some former U.S. officials say that removing Iraq from the terrorism list provided an incentive to Hussein to expel the Palestinian guerrilla leader Abu Nidal from Baghdad in 1983. On the other hand, Iraq continued to play host to alleged terrorists throughout the '80s. The most notable was Abu Abbas, leader of the Palestine Liberation Front, who found refuge in Baghdad after being expelled from Tunis for masterminding the 1985 hijacking of the cruise ship Achille Lauro, which resulted in the killing of an elderly American tourist.

While Rumsfeld was talking to Hussein and Aziz in Baghdad, Iraqi diplomats and weapons merchants were fanning out across Western capitals for a diplomatic charm offensive-cum-arms buying spree. In Washington, the key figure was the Iraqi chargé d'affaires, Nizar Hamdoun, a fluent English speaker who impressed Reagan administration officials as one of the most skillful lobbyists in town.

"He arrived with a blue shirt and a white tie, straight out of the mafia," recalled Geoffrey Kemp, a Middle East specialist in the Reagan White House. "Within six months, he was hosting suave dinner parties at his residence, which he parlayed into a formidable lobbying effort. He was particularly effective with the American Jewish community."

One of Hamdoun's favorite props, says Kemp, was a green Islamic scarf allegedly found on the body of an Iranian soldier. The scarf was decorated with a map of the Middle East showing a series of arrows pointing toward Jerusalem. Hamdoun used to "parade the scarf" to conferences and congressional hearings as proof that an Iranian victory over Iraq would result in "Israel becoming a victim along with the Arabs."

According to a sworn court affidavit prepared by Teicher in 1995, the United States "actively supported the Iraqi war effort by supplying the Iraqis with billions of dollars of credits, by providing military intelligence and advice to the Iraqis, and by closely monitoring third country arms sales to Iraq to make sure Iraq had the military weaponry required." Teicher said in the affidavit that former CIA director William Casey used a Chilean company, Cardoen, to supply Iraq with cluster bombs that could be used to disrupt the Iranian human wave attacks. Teicher refuses to discuss the affidavit.

At the same time the Reagan administration was facilitating the supply of weapons and military components to Baghdad, it was attempting to cut off supplies to Iran under "Operation Staunch." Those efforts were largely successful, despite the glaring anomaly of the 1986 Iran-contra scandal when the White House publicly admitted trading arms for hostages, in violation of the policy that the United States was trying to impose on the rest of the world.

Although U.S. arms manufacturers were not as deeply involved as German or British companies in selling weaponry to Iraq, the Reagan administration effectively turned a blind eye to the export of "dual use" items such as chemical precursors and steel tubes

that can have military and civilian applications. According to several former officials, the State and Commerce departments promoted trade in such items as a way to boost U.S. exports and acquire political leverage over Hussein.

When United Nations weapons inspectors were allowed into Iraq after the 1991 Gulf War, they compiled long lists of chemicals, missile components, and computers from American suppliers, including such household names as Union Carbide and Honeywell, which were being used for military purposes.

A 1994 investigation by the Senate Banking Committee turned up dozens of biological agents shipped to Iraq during the mid-'80s under license from the Commerce Department, including various strains of anthrax, subsequently identified by the Pentagon as a key component of the Iraqi biological warfare program. The Commerce Department also approved the export of insecticides to Iraq, despite widespread suspicions that they were being used for chemical warfare.

The fact that Iraq was using chemical weapons was hardly a secret. In February 1984, an Iraqi military spokesman effectively acknowledged their use by issuing a chilling warning to Iran. "The invaders should know that for ever harmful insect, there is an insecticide capable of annihilating it . . . and Iraq possesses this annihilation insecticide."

In late 1987, the Iraqi air force began using chemical agents against Kurdish resistance forces in northern Iraq that had formed a loose alliance with Iran, according to State Department reports. The attacks, which were part of a "scorched earth" strategy to eliminate rebel-controlled villages, provoked outrage on Capitol Hill and renewed demands for sanctions against Iraq. The State Department and White House were also outraged—but not to the point of doing anything that might seriously damage relations with Baghdad.

"The U.S.-Iraqi relationship is . . . important to our long-term political and economic objectives," Assistant Secretary of State Richard W. Murphy wrote in a September 1988 memorandum that addressed the chemical weapons question. "We believe that economic sanctions will be useless or counterproductive to influence the Iraqis."

Bush administration spokesmen have cited Hussein's use of chemical weapons "against his own people"—and particularly the March 1988 attack on the Kurdish village of Halabjah—to bolster their argument that his regime presents a "grave and gathering danger" to the United States.

The Iraqis continued to use chemical weapons against the Iranians until the end of the Iran-Iraq war. A U.S. air force intelligence officer, Rick Francona, reported finding widespread use of Iraqi nerve gas when he toured the Al Faw peninsula in southern Iraq in the summer of 1988, after its recapture by the Iraqi army. The battlefield was littered with atropine injectors used by panicky Iranian troops as an antidote against Iraqi nerve gas attacks.

Far from declining, the supply of U.S. military intelligence to Iraq actually expanded in 1988, according to a 1999 book by Francona, "Ally to Adversary: an Eyewitness Account of Iraq's Fall from Grace." Informed sources said much of the battlefield intelligence was channeled to the Iraqis by the CIA office in Baghdad.

Although U.S. export controls to Iraq were tightened up in the late 1980s, there were still many loopholes. In December 1988, Dow Chemical sold \$1.5 million of pesticides to Iraq, despite U.S. government concerns that they could be used as chemical warfare agents. An Export-Import Bank official reported in a memorandum that he could find "no reason" to stop the sale, despite evi-

dence that the pesticides were "highly toxic" to humans and would cause death "from asphyxiation."

The U.S. policy of cultivating Hussein as a moderate and reasonable Arab leader continued right up until he invaded Kuwait in August 1990, documents show. When the then-U.S. ambassador to Baghdad, April Glaspie, met with Hussein on July 25, 1990, a week before the Iraqi attack on Kuwait, she assured him that Bush "wanted better and deeper relations," according to an Iraqi transcript of the conversation. "President Bush is an intelligent man," the ambassador told Hussein, referring to the father of the current president. "He is not going to declare an economic war against Iraq."

"Everybody was wrong in their assessment of Saddam," said Joe Wilson, Glaspie's former deputy at the U.S. embassy in Baghdad, and the last U.S. official to meet with Hussein. "Everybody in the Arab world told us that the best way to deal with Saddam was to develop a set of economic and commercial relationships that would have the effect of moderating his behavior. History will demonstrate that this was a miscalculation."

Mr. JOHNSON. Mr. President, my concern today is not to lay blame for past decisions which now place every American family, every American community in very real jeopardy from these weapons of mass destruction and which now give rise to the clear possibility, if not great likelihood, of war in Iraq with its attendant costs in lives of combatants and innocent civilians alike. Rather, it is my concern that this Senate and this Nation clearly understand how we arrived at this point so that we might learn from our Nation's past tragic mistakes.

As Mr. Michael Dobbs of the Washington Post writes:

The story of U.S. involvement with Saddam Hussein in the years before his 1990 attack on Kuwait—which included large-scale intelligence sharing, supply of cluster bombs through a Chilean front company, and facilitating Iraq's acquisition of chemical and biological precursors—is a topical example of the underside of U.S. foreign policy. It is a world in which deals can be struck with dictators, human rights violations sometimes overlooked, and accommodations made with arms proliferators. . . .

The United States also provided billions of dollars in credits to help arm Iraq, ostensibly to assist with its war at that time against Iran.

The review of declassified documents and interviews with former policymakers:

reveals that the administrations of Ronald Reagan and George H. W. Bush authorized the sale to Iraq of numerous items that had both military and civilian applications, including poisonous chemicals and deadly biological viruses, such as anthrax and bubonic plague.

Anthrax and bubonic plague from the United States to Iraq.

The Reagan administration removed Iraq from the State Department terrorism list in 1982 over the strong objections of Congress. Despite this delisting, Iraq continued throughout the 1980s to harbor terrorists, including even Abu Abbas, leader of the Palestinian Liberation Front.

The Reagan administration effectively turned a blind eye to the export of dual use items such as chemical precursors and steel

tubes that can have military and civilian applications. . . . When United Nations weapons inspectors were allowed into Iraq after the 1991 Gulf war, they compiled long lists of chemicals, missile components, and computers from American suppliers.

Mr. President, sadly, there is no new precedent in our Government using our citizens' tax dollars to finance the purchase of weaponry for antidemocratic, antihuman rights, and unstable foreign nations only to see their short-term friendship disappear and to have them become enemies to the United States and the Western World. What is truly shocking here, however, is that the very possession of chemical and biological weapons of mass destruction, which is the justification for a new war in Iraq and which places in jeopardy the safety of American families, American communities, and American military personnel, is, in large measure, the consequence of decisions made by the Reagan and Bush administrations.

As we speak, tens of thousands of U.S. Gulf war veterans continue to suffer from exposure to chemical agents over a decade ago. We in Congress debate whether and how to inoculate hundreds of thousands, if not millions, of Americans to protect them from biological weapons that their own Government helped create in Iraq.

It is one thing that our Nation would have provided cluster bombs and conventional weaponry to Saddam Hussein—it no doubt seemed important and strategically helpful to the purpose of stabilizing the Middle East during the 1980's. But how can members of this Senate look members of our military in the eye—and I include my own son, a sergeant in the 101st Airborne and a veteran of Bosnia, Kosovo and Afghanistan—and acknowledge that these past administrations, albeit without congressional knowledge or consent, allowed Iraq to acquire the anthrax, and bubonic plague viruses?

The circumstance our Nation now faces, from the threats of Iraqi weapons of mass destruction as well as the possibility that these weapons have or will fall into the hands of Al-Qaida or other non-state terrorist organizations, are to a great degree, circumstances of our own making. Obviously, no American administration has ever supported terrorism against our own people, though interfering with Iraq's use of these weapons against many of its own people was apparently not a matter of first concern to the U.S.

The lesson should be clear—to the extent that the U.S. arms the world, it undertakes a risk that those weapons could be used against our own citizens. While helping proven democratic allies to defend themselves will always be a legitimate role for the U.S., it is hard to imagine a lesson driven home more profoundly than we find today that arming non-democracies is a much greater risk, and arming non-democracies with weapons of chemical and biological warfare capability is an outrageous and utterly unacceptable risk

to the U.S. and the world. It may be impossible for our Nation to avoid reaping what is has sown in the past, but this administration, this Congress and the American people must be united now in committing never again to be even a unwitting instrument of chemical, biological or nuclear terror in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

#### EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 p.m., with the time equally divided between the majority and minority leaders or their designees, and that Members be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JOHN SNOW TO BE TREASURY SECRETARY

Mr. STEVENS. Mr. President, I come to this Chamber to state my support for John Snow's nomination as the Treasury Secretary. In the 20 years I have known John, I have found him to be honest, capable, and up to the challenge of heading our Nation's Treasury Department. While John and I have not always agreed on issues, I have never found him to be disagreeable. I am confident he will be a valuable member of the President's Cabinet and will work well with Members of Congress.

As a business leader, a public servant, an academic, John has proven he has the ability to lead our Nation's economic recovery and spur economic growth. I look forward to working with John on our Nation's economic challenges, and I urge a rapid report and consideration of his nomination.

The PRESIDING OFFICER. The Senator from Nebraska.

#### DROUGHT "DAVID"

Mr. NELSON of Nebraska. Mr. President, today I will address a different subject than has been addressed this morning. The Senate recently passed a disaster assistance package consisting of \$3.1 billion to aid those affected by the worst drought since the Dust Bowl years of the 1930s. Some have referred to this package as drought disaster relief. I cannot quite call it drought relief because it does not really provide drought relief. It may provide some arid condition relief and some oasis assistance, but I cannot bring myself to call it real drought relief, for two reasons: No. 1, because \$3.1 billion is inadequate. It is not enough. No. 2, it does not do enough for farmers and ranchers who are actually suffering the losses due to the devastating drought.

I decided to give the drought a name, and I gave it the name "David" to give

it an identity like other natural disasters and to show that this drought, the same as a hurricane, required immediate emergency Federal assistance.

Several of my colleagues wore Drought David ribbons that I distributed to them to remind all Senators of the severe impact of the drought, and I thank those who proudly wore them. Back home, the newspaper Journal Star in Lincoln thought my proposal to name the drought was worth asking readers to submit their suggestions, and many creative suggestions were submitted but one stood out.

For Shannon Sutherland of Lincoln, the drought summons up thoughts of the devil in hell. Among her suggestions was "The Devil's Bull's Eye" in reference to the drought maps looking like a bull's eye right over Nebraska. The Journal Star reported that on Monday.

Shannon Sutherland is absolutely right. The Drought Monitor maps do resemble a target with Nebraska in the crosshairs, but our neighboring States share the target, unfortunately.

If we go look at this chart, if that is not a bull's eye, I do not know what a bull's eye would look like. Unfortunately, that bull's eye is right over my hometown of McCook, NE. As we can see, that area has suffered the worst drought conditions in the State of Nebraska.

We are not alone. The darkest brown is where the worst conditions are being experienced, and even though this disaster assistance was passed last week and is now over in the House, the drought continues. I think we have a tendency at times to think when we have passed something, that takes care of it. Well, first, it was inadequate to take care of the past needs, and it certainly is not going to be adequate to take care of the additional needs.

Yet despite my efforts to raise awareness—and others who have attempted to raise awareness—of this drought, the Senate still could not manage to provide comprehensive drought assistance. I have come today to give my fellow Senators another opportunity to hear a message I received from one of my constituents, Bill Lueck of Arcadia, NE, in the central part of the State. His words came in over the weekend. I spoke to him yesterday. His words are a powerful reminder of how the recent drought relief bill fell short. He said:

I have some concerns over the current disaster portion of the omnibus appropriations bill. According to the information I got from the farm bureau, they're considering 42 percent of AMTA payments to farmers. In our area here we have irrigated producers who haven't suffered a loss, who are going to get an additional payment and in the western part of the State our cattle producers out here are hanging on by their fingers. I assumed when they didn't consider the \$6 billion anymore and went to the \$3.1 billion for agriculture disaster aid that would go more to livestock producers. We've got breeding stock on wholesale bull sale that are down \$1,000 average per bull around here.

To Bill Lueck, I say thank you. I could not have said it better myself. I

could not have drawn the focus more narrowly than he did. A \$3.1 billion drought package to address the devastation of a drought this extensive inevitably leaves out people who need help to make it through the disaster.

The State of Nebraska will possibly receive about 8 percent of what we need. We asked for \$6 billion; we got \$3.1 billion. The way in which it is being distributed to those who have severe needs and those who may have some needs but in a uniform manner robs those who really are most affected because they are going to be left with virtually nothing compared to what they need.

Richard and Cecelia Carnes of Marquette, NE, which is very close to Sargent, in the middle part of the State as well, also wrote to me regarding true drought assistance. These two truly represent the family farmer. They have been in the farming business for the last 40 years, with some of their land having been in the family for over 100 years.

Richard and Cecelia are afraid of losing their farm because of the drought. They are going to sell half of their cow herd to pay for the expenses they incurred during the drought last summer. The expenses are ongoing, even though the income is not forthcoming. They have even gone so far as to invest their retirement savings into keeping their farm afloat, but without significant Federal assistance they cannot prevail, either in the short term or in the long term.

In their letter, they made a particularly good point that I will express at this time:

This drought is affecting everyone in the country. Whenever there is a disaster for flooding, hurricanes, tornados, and snowstorms the Government is there helping right away. A drought is much worse since the farmer is the one producing the food for the country.

People might take issue with whether a drought is worse than other disasters, but I do not think anybody would disagree that a drought that adversely affects the output of food is a disaster that we can ill afford.

They concluded the letter by saying that everyone needs to try farming to truly understand what it is like. The Senate needs to realize the seriousness of the problem and put themselves in the shoes of family farmers and ranchers like Richard and Cecelia. Perhaps then we could provide real and substantial drought relief.

Yesterday, I spoke with my good friend and colleague TOM OSBORNE about some concerns raised by House members on the fairness of the drought package passed by the Senate. The Chairman of the House Agriculture Committee indicated that the Senate plan would provide "relief" to farmers and ranchers who suffered no losses. The package treats equally farmers and ranchers who did and did not suffer losses.

That's right. In a time of budget deficits and fiscal calamity, the Senate

package squanders scarce resources and provides assistance to those who actually need it. Farmers and ranchers in my State of Nebraska are not pleased. Nebraska, perhaps, is one of the States hit hardest by Drought David. For two years, we have suffered under dry conditions and dwindling herds and crops. Some estimates say 20,000 of the remaining 55,000 Nebraska family farms are likely to go under this year because of the drought. The drought is a crisis—like a tornado, a hurricane, a flood, or a fire—and the climatologists indicate there is no relief in sight and it may be moving in an easterly direction.

Congressman OSBORNE has worked tirelessly to provide comprehensive drought assistance. He left no stone unturned in his effort to find adequate funding. He knocked on every door, he made every phone call, did everything that could be required of someone in his position. But the message he received in return was that farmers and ranchers suffering from drought needed a budgetary offset to receive Federal assistance. In the end, the Senate version found an offset, but didn't find enough.

But we are practical people in Nebraska and around the country—\$3.1 billion is better than nothing; but it is not enough. Ask the people of this country; people such as Bill Lueck and Richard and Cecelia Carnes, who have seen this drought dry up their livelihood, and they will tell you it is not enough. I hope my fellow Senator will join me in seeking to provide comprehensive drought relief in this Congress.

Nebraska State climatologists recently predicted we are about to face a perfect drought this summer, sort of an oxymoron, but I think it requires an explanation. It is the worst of all factors converging. If our family farmers and ranchers are going to survive this perfect drought, we must provide better comprehensive drought relief now to take care of the past losses and prepare them for the bump ahead they are going to face.

I have sent a letter to the House Agriculture Committee, Chairman GOODLATTE, encouraging him to revisit the drought package. I know he is looking very carefully at it. I would love to see the House pass a better drought assistance bill, devoid of special interests, set-asides, devoid of wasteful payments to those who need it least, and one that provides real and comprehensive drought assistance to farmers and ranchers who are teetering on the brink of disappearing forever, never to return. We need to provide the most assistance to those who need it most.

In the State of the Union Address on Tuesday, the President delivered a speech of 5,050 words. In that speech the word agriculture never appeared. I know he had a lot to say and he could not say everything.

He made a strong case in his remarks for the need to stimulate the economy,

both with short-term and long-term implications with tax cuts and other economic incentives. I am sure I will be supporting a number of those. How can we give a tax cut to farmers and ranchers with no income? How can we stand by and watch the agricultural sector of the economy wither under drought conditions? The best economic stimulus for a rural state such as Nebraska and many other States right now is a comprehensive rural development program coupled with real emergency drought relief. Anything short of that will be a failure to our farmers, our ranchers, and our Nation.

When it comes to making decisions, I will come down on the side of Nebraska every time. If I have to choose between the White House and the farmhouse, I choose the farmhouse. If I have to choose between the White House and the Statehouse, I choose the Statehouse. If I have to choose between the White House and the schoolhouse, I will choose the schoolhouse. If I have to choose between the White House and the average family house in Nebraska and throughout our country, I choose the house of each and every Nebraskan and each and every American every time.

My point is the Congress is here to make decisions, not just accept what is dictated as appropriate from the administration. The case of agriculture could not be a better example. Every Member in the Senate knows very well, better than any bureaucrat in the Office of Management and Budget, what is right for our States, our communities, and our constituents.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

#### COMMEMORATING DAVE HOPPE

Mr. MCCONNELL. Mr. President, today marks the last day in Congress of one of the most remarkable people I have had the pleasure of meeting in my entire life, one of the most decent, clearly one of the most outstanding individuals, and that is Dave Hoppe, who will be leaving Congress to go on to some other line of work after today.

We all got to know Dave as chief of staff of Senator LOTT. He has labored in the vineyards of the Senate and the House for 27 years. Without ego, without a desire to go out and seek public office, like many of us have done, Dave Hoppe devoted himself to improving America and to advancing the causes in which he believed by working through elected officials.

Dave is originally from Wisconsin. He graduated from Notre Dame in 1973. By the way, his birthplace was Baraboo, Wisconsin, which also happens to be the place where the Ringling Brothers Barnum and Bailey circus began.

Dave came to Washington after graduating from Notre Dame to have an impact on his country. As he ends his public service today, there is no question that he has had an enormous impact on the lives of all Americans

through his work both in the House and the Senate.

There was a fascinating article in *USA Today* back in 1997 about the impact Dave had on the reauthorization of the IDEA legislation that year. He had a particular interest in it because his son, Gregory, suffers from a disability. Dave, raising that son and living with the disability his son had, had a particular awareness of how to adapt that legislation to the needs of not only his son but a lot of other youngsters who found themselves in the same dilemma.

This is a quote from Dave in the article:

Every night when I came home and every morning when I got up, I saw who it could help.

He was talking about the IDEA reauthorization.

Referring to his son:

I know his horizons are not unlimited, but I want them to be as great as they can be.

What a marvelous way to put Dave's hopes and aspirations for his son. Dave and his wife, Karen, met in a carpool 21 years ago as conservative idealists. He worked for the House Republican study committee and she for the Heritage Foundation. They were engaged 3 weeks after their first date and married December 30th, 1976—a truly remarkable family.

I expect others might want to include this *USA Today* article, but it is so interesting and so important I ask unanimous consent it be printed in the *RECORD*.

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

[From *USA Today*, June 27, 1997]

A LAW THAT TRANSCENDS POLITICS

(By Richard Wolf)

WASHINGTON.—Six-year-old Gregory Hoppe climbs up on the bench installed for him in his father's office and peers out on the nation's capital.

But this isn't just any office. It's for the chief of staff to Senate Majority Leader Trent Lott, perhaps the USA's most powerful Republican.

And Gregory isn't just any child. The framed Senate roll-call vote that hangs over his bench attests to that. Still two weeks shy of his 7th birthday, Gregory already has played a quiet but crucial role in overhauling the law that guides special-education policy for 5.6 million disabled children in America's public schools.

His father, David Hoppe, was the one who worked out the final agreement between Congress and the Clinton administration last month. But Gregory, born with Down syndrome, was the new law's guiding light.

Call it Gregory's Law.

"You had somebody who brought a deep life experience to the whole process," says Sen. Dan Coats, R-Ind. "It's a piece of legislation with a lot of heart in it."

The roles played by David and Gregory Hoppe demonstrate the powerful influence of private lives in public policy. Their impact on the nation's special-education law is emblematic of how elected and even non-elected officials work behind the scenes here, using personal experiences to set the legislative agenda and guide the political process.

And David Hoppe's role was significant for another reason: at a time of public dismay

over how Washington works—or doesn't—in the glare of partisan politics and harsh publicity, he became the rare individual to emerge heralded by all sides.

"This was a fair, decent, caring soul who was not going to sell anybody down the river," says Robert Silverstein, the Senate's top Democratic expert on disability issues.

But without Gregory's disability and his dad's doggedness, President Clinton and Congress still might be embroiled in emotional debate over the Individuals with Disabilities Education Act (IDEA), signed into law earlier this month.

For two years, the bill had been caught between two seemingly immovable forces: Leaders of the Republican revolution, who wanted to help schools cut costs and curtail classroom disruptions caused by disabled students, and advocates for the disabled, who wanted expanded educational opportunities.

It took a deeply religious, conservative Republican and a highly motivated advocate for the disabled to bring the two sides together. David Hoppe was both of those. And Gregory was his inspiration.

"Every night when I came home and every morning when I got up, I saw who it could help," Hoppe says of his son. "I know his horizons are not unlimited, but I want them to be as great as they can be."

Says Paul Marchand, director of The Arc, which represents the mentally retarded: "He might have been thinking, 'Everything that I do here may someday affect my child, and if not my child, hundreds of thousands like him.'"

#### A STRONG FAMILY THAT WEATHERS CRISIS

David and Karen Hoppe met in a car pool 21 years ago as conservative idealists. He worked for the House Republican Study Committee, she for the Heritage Foundation think tank. They were engaged three weeks after their first date and married Dec. 30, 1976. He would go on to work for a future vice presidential nominee, Jack Kemp; she would go on to work for a future vice president, Dan Quayle.

David rose through the Capitol Hill ranks, but Karen quit when their first child, Katie, was born in 1981. Geoffrey arrived two years later. The Hoppes—David is 45, Karen, 44—are devoted parents to both "big kids," as they call them now. But it was Gregory's arrival in 1990 that gave the suburban Burke, VA., couple a whole new outlook on life.

The night before Gregory's birth, the Hoppes happened to pick up a copy of a *Sesame Street* parents guide featuring a story on Down syndrome. "I remember sitting on the edge of the bed and saying, 'I hope we don't have to deal with anything like this,'" Karen Hoppe says. They had forgone prenatal testing that could have determined Gregory's disability, caused by an extra chromosome, because they do not believe in abortion.

The next night, the *Sesame Street* story came to life. "He was four minutes old," she recalls. "They came and told me right away that they thought he had Down syndrome."

Those first few minutes in Fairfax Hospital are etched in the Hoppes' minds. With doctors buzzing around Gregory, the couple made hasty plans to baptize him, in case he died. But Gregory was tough; he overcame many of the complications that accompany Down syndrome births.

Karen reacted emotionally, but her husband was then what he has been ever since—a rock. "I got one tear out of David," she says, "and that was it."

Sen. Coats, Hoppe's boss at the time, recalls getting the call from the hospital concerning Gregory's obvious disability. "I think the birth of Gregory was one of those defining, life-changing experiences that open

people's eyes to a whole other world," he says. "I don't think unless you experience that, you can fully identify with that world."

Today, the pain of that first realization is overwhelmed by two other emotions common to families of disabled children—exhaustion and achievement. The physical and mental challenges can seem never-ending. Gregory didn't walk until age 2½, didn't run until last summer, and only now is learning to jump. Typical of children with Down syndrome, his cognitive and language skills are significantly delayed.

But just as distinctive is his unconditional love for his family. While his father helps run the country, Gregory rules the roost at home. He's a ham, singing and dancing to his favorite videos. Ask a question, and he taps his temple as if deep in thought. He speaks in two- and three-word bursts packed with meaning: "Throw the ball!" "My turn!" And the every-welcome, "Thank you, Mommy."

Says Karen, "I wouldn't have missed this for the world."

#### PERSONAL LIVES, PROFESSIONAL LIVES

For David Hoppe, plunging into the middle of a two-year-old battle over the IDEA law was a deeply personal crusade that made use of his education, experience, philosophy, Catholic faith and fatherhood.

The law was first enacted in 1975 to guarantee disabled students equal access to public schools, no matter how profound their afflictions.

Over the past 20 years, the number of students classified as disabled has soared to 12.4% of the public-school population of 44.7 million, including those with behavioral and emotional problems. About 70% of them are taught in regular classrooms, alongside non-disabled kids.

The costs are high: more than \$32 billion, only \$4 billion of which comes from the federal government.

Since taking control of Congress in 1995, Republicans had tried to change the law, motivated partly by anecdotes about students with disabilities causing harm to others. One teacher in West Virginia wound up in an emergency room; another in North Carolina broke an arm.

But during the 104th Congress, a deal proved elusive. Not even Bob Dole, a disability-rights advocate and master deal-maker, could do it. On his final day as Senate GOP leader before resigning to run for president last June, Dole implored his colleagues to pass an IDEA bill.

"Some issues transcend politics, foster a bipartisan spirit and result in legislation that makes a real and lasting difference," Dole said on the Senate floor. "Disability has always been one of those issues." But not in 1996.

Enter David Hoppe. Already one of the busiest staffers on Capitol Hill as Lott's top deputy, he saw the chance to break the logjam over a law that will guide his son's education into the next century and "give kids born 20 years from now even more opportunities than Greg has."

Hoppe came with a rare advantage: knowledge of how to write laws, drawn from 21 years on Capitol Hill, and knowledge of how to help the disabled, drawn from nearly seven years as Gregory's dad.

"I was uniquely placed. I was a conservative, and I had a child with a disability," he says. "I looked at everything . . . through a parent's eye: 'Let's put Greg in this situation.'"

That was easy. In many cases, Gregory already had been there.

"I was at the meeting where Gregory was given his label," Hoppe recalls, with a rare, small show of emotion. That was in 1995,



when Gregory was 4 and aging out of preschool. He was labeled "MR." for mild retardation. His father, who knew it was coming, still took the official designation hard. "This is a landmark," he says, "and I knew it was."

Hoppe's familiarity with the world of the disabled helped turn theoretical debates into practical ones.

"He made people think about the long-term and child-specific implications of the policies," says Katherine Beh Neas, senior government relations specialist at the National Easter Seals Society.

Occasionally during the closed-door negotiations and open town meetings he organized, Hoppe would mention the bureaucratic hoops he and Karen had to jump through to get services for their son. Several times, he interrupted meetings to take calls from his family—at least once from Gregory, who wondered when Dad was coming home.

"The perspective of a parent (with a disabled child) would have been completely missing" without Hoppe, says Rep. Matthew Martinez, D-Calif.

Adds Bruce Hunter, director of public affairs for the American Association of School Administrators: "Nobody could say to him the way they could say to other Republicans, 'Oh, you guys just don't care.'"

#### UNDERSTANDING DIFFERING PERSPECTIVES

What Hoppe found as he waded into the legislative thicket were school administrators who feared soaring costs, educators who feared for their safety and advocates for the disabled who feared losing hard-won rights. "It was fairly obvious how emotionally charged the issue was," he says. "You're dealing with vulnerable people."

The flash point was discipline. Teachers, principals and school administrators wanted more flexibility to punish disabled students in much the same way they did others, even if it meant segregating them or stopping their education. Advocates for the disabled refused to go along.

Hoppe did not play the Gregory card to sway the negotiations.

"I'm sure that everybody in that room knew that David had a disabled kid," says Judith Heumann, the Education Department's assistant secretary of special education and rehabilitative services. "But he didn't wear it on his sleeve."

Where he wore it was on his computer. When other parents of disabled children first came to Lott's office last fall to voice their concerns, they had no idea of his personal interest. Then they noticed the image of Gregory on his computer screen.

"I looked over and saw on the screen his little one," recounts Madeleine Will, mother of a 25-year-old son with Down syndrome and a disability activist. She figured she was imagining things. "I thought, I'm overtired here and distraught, but . . . I'm seeing the face of a child with Down syndrome on that computer."

Despite his advocacy on behalf of Gregory's interests, Hoppe never forgot the interests of his other children. Katie, 16, and Geoff, 13, attend public schools in Virginia and know well the other side of the disability coin, when students with behavioral problems disrupt classes or won't leave them alone. They think disabled students should be disciplined—but not blamed for all that goes wrong.

"I just don't see the point of people complaining that all disabilities ruin class," says Geoff. Adds Katie: "The more we integrate these kids, the more accepting and understanding people will become with them."

Out of this stew of colliding interests emerges David Hoppe's philosophy: "I believe in limited government," he says. "But

I think government is there to protect rights and opportunities."

The IDEA law attempts to do that. The overhaul makes it easier for schools to discipline disabled students, but doesn't let states cut off their education. The law also upgrades teacher training, gives parents a greater role and improves planning and mediation.

Everyone had to compromise.

"We kind of held our noses and supported it," says Sally McConnell of the National Association of Elementary School Principals, which wanted the measure to go farther. But, she adds, "Emotions run high on this issue, and I think he did a really good job."

Ironically, Gregory won't use all his rights. Despite the law's goal of educating disabled children in the least restrictive setting, the Hoppes aren't seeking full inclusion just yet.

Beginning this fall, Gregory will be in a self-contained first-grade class for academic subjects with other mildly retarded kids. He will be mainstreamed a half-hour each morning and also for art, music and gym. Demanding inclusion when it might not be best for their child isn't what the law intends, they say.

Their hopes for Gregory are high. "I want him to be able to live by himself, to have a job that he likes, to be able to go to that job by himself, to sit and have conversations with people who work where he works . . . to have him involved with his church," Hoppe says. "My big dreams for him are things that seem very normal."

But his value won't be defined by his achievements. Says Karen Hoppe: "Greg is a worthwhile individual right now, just the way he is."

#### CELEBRATING A SUCCESS STORY

Gregory Hoppe was heard about but not seen until the Senate voted 98-1 on May 14 to send the bill to President Clinton. Then it was time for this coming-out party.

From his vantage point in the vice president's office off the Senate floor while the votes were being cast, Thomas Hehir, director of the federal Office of Special Education Programs, looked outside and saw a child with Down syndrome walking into the Capitol with his mother.

Only after the vote, when Hehir joined a celebration in Hoppe's office featuring chocolate-chip cookies made by Karen and Gregory, did he figure out who that special child was.

"To me, it was kind of symbolic," Hehir recalls thinking at the time.

Three weeks later, the Hoppe family was in the audience on the White House's South Lawn to watch President Clinton sign the bill into law.

At Secretary of Education Richard Riley's suggestion, Clinton invited Hoppe up to the front; he brought Gregory. Photographs show the two of them just behind Clinton, amid the usual assortment of politicians. "Staffers never get in those kinds of photographs," marvels Erik Smulson, an aide to Sen. James Jeffords, R-Vt., who worked on the new law.

In this case, however, even the lawmakers say it was justified. "He was the hero of the ultimate passage of the bill," says Sen. William Frist, R-Tenn. "He was uniquely placed, uniquely committed."

Hoppe sums it up as a dad: "I think I did something good for Greg."

#### LAWS GET PASSED WHEN THE POLITICS IS PERSONAL

Major changes in policy have come about because lawmakers were affected personally.

Take the Americans with Disabilities Act of 1990, among the most far-reaching civil rights laws. Former congressman Tony Coelho,

ho, a California Democrat, says it was easy to win converts.

"I didn't have any trouble," recalls Coelho, whose epilepsy made him a leading advocate. People "were already on board because of personal experiences."

The same was true last year when three senators with family stories of mental illness—Pete Domenici, R-N.M., Alan Simpson, R-Wyo., and Paul Wellstone, D-Minn.—tried to improve mental health insurance coverage.

The personal touch can be key in turning legislation into law, personal cause into public crusade:

Vice President Gore has used his sister's death from lung cancer to push for tobacco regulation.

Sen. Edward Kennedy, D-Mass., whose sister is mentally retarded and whose son lost a leg to cancer, has been a leader in health and disability issues.

Sen. Mike DeWine, R-Ohio, voted against increasing highway speed limits after his 22-year-old daughter died in a car crash.

Sen. Strom Thurmond, R-S.C., sponsored an alcohol labeling bill after losing his daughter, 22, to a drunk driver.

"All of us are touched by different circumstances," says Kennedy. "It heightens your sensitivity and your awareness of the issue and how it impacts people."

Mr. MCCONNELL. We will miss Dave Hoppe. Senators come and go. Members of the staff come and go. Frankly, about most of us, I expect it will be said we did not in the end have footprints that lasted very long. But having watched Dave Hoppe and his extraordinary accomplishments over the years I have known him, I would say he has made an enormous difference in the life of the Senate and in the life of our Nation.

So, Dave, we wish you well and hope we continue to see you in the future in whatever capacity you may choose to serve. You are the best, the most kind, decent, honorable person many of us ever had the chance to meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I would like to say thank you to the distinguished assistant majority leader for his comments about my good friend and our loyal servant over so many years, both in the House and in the Senate, in the person of Dave Hoppe. The Senator from Kentucky has had a chance to watch him in our leadership meetings, to hear him and work with him, and get to know him as a human being. He is quite a guy.

Mr. President, I ask unanimous consent to have printed in the RECORD a resume of Dave Hoppe's accomplishments. It is a very interesting record of not only achievement, but sacrifice for his country as well.

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

#### JOHN DAVID HOPPE

Professional experience: Chief of Staff Senate Republican Leader, Trent Lott (R-MS) June 2001–Present; Chief of Staff Senate Majority Leader, Trent Lott (R-MS) June 1996–2001; Staff Director Senate Majority Whip, Trent Lott (R-MS) January 1995–June 1996;

Staff Director Republican Conference Secretary, Trent Lott (R-MS); January 1993–December 1994; Administrative Assistant, Senator Dan Coats (R-IN) January 1989–December 1992; Vice President, Government Relations, Heritage Foundation, September 1988–December 1988; Administrative Assistant, Honorable Jack Kemp, October 1984–June 1987; Administrative Assistant, House Republican Whit, Trent Lott (R-MS) January 1981–October 1984; Republican Platform Committee Assistant to Chairman Trent Lott, January 1984–August 1984; Executive Director, House Republican Research Committee, January 1979–December 1980; Republican Platform Committee Assistant to Vice Chairman Trent Lott, January 1980–July 1980; Consultant, Hoppe & Associates (political research firm specializing in tax issues), September 1978–November 1978; Contracted by National Republican Congressional Committee to provide special tax research package to over 50-targeted candidates; and Energy & Environmental Specialist, House Republican Study Committee, January 1976–August 1978.

Education: The Johns Hopkins School of Advanced International Studies, Washington, DC (1973–1976)—Masters degree, International Relations (May 1976); The Bologna Center, the Johns Hopkins School of Advanced International Studies, Bologna, Italy (1973–1974)—Certificate; University of Notre Dame, South Bend, Indiana (1969–1973)—BA., Government, Cum Laude (Concentration in International Relations); and University Laval, Quebec City, Canada (July–August 1975)—Masters course work for foreign language requirement.

Mr. LOTT. Also, I want to call attention to a 1997 USA Today article on Dave Hoppe which correctly called Dave the critical architect behind getting the reauthorization of the Individuals with Disabilities in Education (IDEA) Act passed in 1997. The article recounts how much that act meant personally to Dave and his family, and particularly to his youngest son, who will benefit from this law in large part because he was also an inspiration for it. Gregory Hoppe is a special person, and the USA Today article, which Senator McConnell has already asked to be printed into the RECORD, recounts Gregory and Dave's and their family's remarkable story.

First, let me just comment on some interesting facts about Dave. While Dave Hoppe has worked for me off and on for over 27 years in the House and the Senate, he is not from Mississippi as you might expect. No, he is from Baraboo, WI, which happens to be the birthplace of the Ringling Brothers & Barnum and Bailey Circus and we have never let Dave forget that over the years.

He is a graduate of Notre Dame, class of 1973, which has made for some interesting kidding over the years about athletics, football, basketball, and bragging rights. But that is just the beginning of his impressive resume. He went on to study at the Johns Hopkins School of Advanced International Studies and received a master's degree in International Relations. As part of the Johns Hopkins Program in Advanced International Studies Dave spent the better part of a year in Italy. He also did foreign language

coursework in Quebec City, Canada, under the auspices of the University of Laval.

Over his almost three decades in Washington, Dave has served several different Congressmen, Senators, and organizations, going way back to when he first came to Washington. From 1976 to 1978 he worked for the Republican Study Committee in the House of Representatives. He actually, for a while, had his own firm doing political research called Hoppe & Associates. Then he started his public service career in Washington that has covered an amazing number of professional experiences.

He returned to Capitol Hill in 1979 as the executive director of the House Republican Research Committee. Later he moved up to be administrative assistant to the Republican whip in the House when I had the pleasure of serving in that position. He also worked for me as the director of the Republican Platform Committee efforts in 1984 when I was chairman of the Platform Committee. In 1984 he went to work in the office of Congressman Jack Kemp as the chief of staff and of course was involved in his Presidential campaign in 1988. Dave then joined the Heritage Foundation where he served as a vice president. And then went to work in the Senate as the chief of staff for Senator Dan Coats of Indiana. In 1994, I was able to tempt him away from Senator Coats to work for me again as the chief of staff in my position as the Senate majority whip, then as the majority leader, and finally as the Republican leader.

In all, this outstanding individual and person has devoted 27 years to Congress and the American people.

Now, admittedly with some degree of trepidation I suspect, Dave is going out into the private sector—the real world—to provide for his two oldest children who are presently attending Notre Dame and for Gregory who I mentioned earlier. Anyone would be a little anxious about not knowing exactly what their new role will entail—and after the financial sacrifices over 27 years he probably will not know what to do with the extra money he will be earning in the private sector.

But I predict, as in everything else in his life, Dave will be more than successful, he will be superb at whatever endeavor he takes up next.

Far too often here, Senators take long, deep bows for our great public policy achievements and forget all the people who helped us get to that point: Our wives—in the case of Dave Hoppe, a wonderful lady named Karen—our families and mothers and fathers who helped raise us; our constituents who put us on their shoulders and turned an ugly frog into a prince; the elevator operators, the pages, the floor staff; and our personal staffs who work long and hard, helping write the speeches, helping draft the amendments, helping us regain our composure when we get a little out of control. Then, when they do move on, we forget to say just a

simple thank you and to remind them that they made a difference in the course of history and in the course of America—in many cases, just as surely as any Senator ever did.

Dave Hoppe certainly can rest assured that he has made a great difference in this Government, in the Congress, the House, the Senate, in politics, in the study of government, and in America. But the best thing about Dave Hoppe is he believes strongly in his principles, his ideals, and his faith—in fact, that is how he met his wife Karen. They were carpooling, and as they were going to work, they found they shared a lot of common values and views of government and life. Three weeks later, they were engaged, and then married, and have had three wonderful children over the years.

So, yes, the best thing about Dave Hoppe is not his educational background, not his expertise, not his knowledge of the Senate, not all the things he has worked on—the best thing about Dave is the kind of human being he is. He is a man who cares deeply about his family and his country, and he has sacrificed mightily to help make a difference for his family and for the people of America.

I just wanted to take a few minutes, as Dave enters his last day or two in the Senate, to express my appreciation for his dedicated service and for all he has done, and to wish him great success in the future. But especially, I thank Karen and Katie, Geoffrey, and Gregory for sharing him with me and the country, and for the work they have done to help their father do the tireless work Dave has done in turn to make this nation a better place for all of us. I am delighted to have had an opportunity to ensure his efforts over the past three decades are properly recognized before he turns this page and enters the next chapter of his life.

Mr. REID. Will the Senator yield?

Mr. LOTT. I will be glad to yield to Senator REID.

Mr. REID. I was in my office and heard the Senator begin his remarks. I came here as quickly as I could to tell Senator LOTT, the distinguished Senator from Mississippi, what a tremendous person Dave Hoppe is and has been.

I believe in making deals. I say that in a positive sense. Legislation is the art of compromise. You have to build a consensus and make deals. That is not a negative term. And David Hoppe was wonderful to work with.

I say to the Senator from Mississippi, for the things we were able to accomplish in the Senate, we always had to go to Dave Hoppe. He was the go-to guy. I say to the Senator from Mississippi, he had really good judgment and showed a lot of wisdom by hiring Dave Hoppe. He not only served the people of the State of Mississippi and this institution but the country.

I commend the Senator from Mississippi for coming to the floor and acknowledging another fine public servant. Washington has a lot of people

who do good work. But Dave Hoppe is one who does work that is at the top of the list.

Mr. LOTT. I thank the Senator from Nevada for his comments. He is right. At those countless meetings we had in the back of the Chamber, the center aisle, the cloakroom, or in our offices, Dave Hoppe was always there, committed to his philosophy and principles, but always equally committed to getting results for the Senate and for the nation.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, others have spoken of their impressions and reflections on Dave Hoppe today, and I would like to take a moment to add my thoughts.

While our constituents rely on us as their voice and advocate here in Washington, we rely on our staff to be our voice and advocate. Under our guidance our staff investigate and learn about the many issues that confront us; they work with a wide variety of people in all branches of the government; they give us their best counsel and advice; and they help us perform a myriad of tasks that are vital to ensuring the institution of the Senate works well and effectively, and that we give our best on behalf of the people we serve. Our staffs amplify our work with our colleagues, our counterparts in the House, the executive branch, and our constituents.

For over a decade now, Dave has worked for all Senate Republicans in a variety of positions, in our conference secretary's office, the majority whip's office, and, for the past 6 years, as chief of staff in the Republican leader's office. This specialized role isn't for the faint of heart, and requires a unique blend of skills and attributes.

Dave's commitment, dedication, and hard work have generated quiet appreciation and deep respect from many different Members in the Senate and House over the years. His ability to faithfully and tirelessly represent our shared Republican ideas and ideals, working with all members of our conference to knit them together, is impressive. From the most major issues of war or impeachment, to the most mundane of haggling out unanimous consent agreements, his involvement and advice and leadership on countless issues over his tenure has served all of us well.

While unflinching in his core beliefs and principles, his willingness to work with the Democratic counterparts is also noteworthy, for in the Senate, so often it is partnership, not partisanship, that ensures we make progress on behalf of the American people. For example, across the aisle, across the rotunda, and across various ideologies, he took a major leadership role in improv-

ing one of the flagship Federal programs for disabled children. With round-the-clock work, good humor, and grace, he spearheaded a nearly unanimous Congress to make a program with worthy goals much more effective and consequential in the lives of parents and children around the country.

Through all challenges and controversies, though, what strikes me as admirable about Dave is his deep and authentic humility. Informed by his faith and essential humanity, Dave has never expressed a sense of entitlement or arrogance. He has never sought a limelight. He is quick to share credit, and always willing to take responsibility. Throughout his 27 years on Capitol Hill, over and over again, his example has inspired not just fellow staffers, but House and Senate Members as well.

We have all profited from Dave's work here in Congress. His public service is in the finest tradition expected by our Founding Fathers. The Senate is a better place for his time here, and I wish him and his family well as he moves to new opportunities.

Mr. CRAIG. Mr. President, I wanted to take a moment to pay my respects to Dave Hoppe, whose last day in the Senate is today. Dave has been a friend and counselor to many of us in the Senate, and we will miss him.

It would be fair to say that Dave Hoppe has been the consummate Senate staffer. While a strong partisan, he has always been fair. He is decent. He is respectful and considerate of everyone with whom he comes in contact, and of the institution as a whole. He understands and practices the comity that is invaluable in the Senate.

When I look back on the service of Dave Hoppe, I see him as the still center of the maelstrom. While the chaos that is, on occasion, the Senate swirled and howled around him, he was calm; his voice never hurried, never rose. His counsel was sound, very sound; sometimes tinged with humor, good humor; never malicious or mean spirited. Always timely, always mindful of the institution, always aware of the possibilities and the consequences of its actions.

David knows that the Senate, immutable as it is, will go on even though he is no longer a part of its daily operations. However, those of us who have worked with him, and will continue to work with him, know the imprint he has left on the institution, the national policies he has helped shape, and the example he has set for all in the Senate to follow.

I join my colleagues in recognizing Dave Hoppe for his achievements and contributions to the Senate, and sending my best wishes to him and his family as they begin the next chapter of a remarkable life.

Mr. GREGG. Mr. President, I have had the good fortune of knowing and working with Dave Hoppe for the last 9 years. He has been a vital part of this institution and he will be sorely

missed. I first had the opportunity to know him as chief of staff for Senator Dan Coats. Senator Coats unfortunately lost Dave when Dave moved over to be chief of staff for Senator LOTT's Republican conference secretary's office, then his majority whip office and then his majority leader's office.

I had the opportunity to work closely with Dave on an issue that we both feel passionately about: special education. After 2 years of failed negotiations, Dave Hoppe almost single-handedly managed to get this critical legislation authorized. The manner in which Dave approached this reauthorization and his ultimate success provides a wonderful example on why Dave was so successful in the Senate. He managed to bring Republicans and Democrats together by working in a straightforward, open, and honest manner which allowed Members to feel confident that their concerns were being thoroughly considered. Dave has served in both the majority and the minority—always representing his boss effectively, while also working to ensure that the Senate accomplished its work.

Dave is esteemed in the Senate for more than the passion and principles he brought to bear on issues. He is respected first and foremost for his character as a person and as a leader.

This is an institution that is built on trust. Dave is a person whose word is his bond. He has been so effective as the leader's chief of staff for precisely that reason. Members on both sides of the aisle always knew they could depend on the promises that he gave and relied on his word without reservation.

It is also remarkable that he wielded such enormous influence without any trace of pretension or pride. He was accessible to members and staff alike, serving with grace, good humor and sound counsel.

I will personally miss Dave. He ranks among those men and women of honor who have shaped the best qualities of the Senate. He made it a better institution through his service and his character, and we owe him our gratitude.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIP TO EUROPE AND THE MIDEAST

Mr. SPECTER. Mr. President, I have sought recognition to report on a trip I made to Europe and the Mideast from December 23 until January 7.

The information I found bears on the current problems of the Mideast peace process and the Israeli-Palestinian issues, but also on the opinions of a variety of the countries we visited on the

issue of Iraq and Saddam Hussein's weapons of mass destruction. In Great Britain, in talking to executive branch officials, we heard there would be an effort made on the Mideast peace process to bring in the Palestinians in mid-January in advance of the Israeli elections in late January to try to keep the peace process stimulated.

We learned that in a recent trip which had been made by Syrian President Bashar al-Assad, who is married to a woman raised in England, and we heard obviously considerable talk about the Iraq issue.

Prime Minister Tony Blair has been one of the strongest allies of the United States and has stated his willingness to partner with the United States to see to it that Saddam does not maintain weapons of mass destruction regardless of what the United Nations does. We heard talk that Prime Minister Blair had taken credit for the United States going to the United Nations—or at least partial credit. And that was very well received by the British populous. But there remains a general feeling in Great Britain of opposition to a war against Iraq unless it is sanctioned by the United Nations.

We heard pretty much the same sentiment in Germany where we met with members of the Bundestag and officials in the executive branch, and with German and U.S. businessmen and women on the Chamber of Commerce there.

The situation in Germany is surprising to the extent that we heard repeated talk that it is politically incorrect to say, "I am proud to be a German." I found that surprising. It is a result of perhaps German instigation in two wars in the 20th century. In a country where we are so proud to be Americans, I found it surprising the people would not say, "I am proud to be a German." The Germans won't say that. Chancellor Schroder, we are told, referred to the "German way," and it drew criticism and the abandoning of that kind of expression. The sentiment in Germany seems to be pretty solidly against a war with Iraq. The members of the Bundestag with whom we met urged the U.S. to go back for a second resolution to authorize the use of force. I asked him if such a resolution was obtained would that make a difference to Germany on joining in. He said no it wouldn't; that there was a feeling of pacifism against war as a result of what happened in World War II and the predecessor war, and that the Germans were just opposed to it. Chancellor Schroder had problems within his own party when they changed party strength if he would deviate from the political position he took to win reelection—really running against, in effect, the United States and U.S. policy on taking action against Saddam Hussein.

In the Mideast we met with Egyptian President Mubarak who expressed great concern about what the reaction would be in the Mideast and in Arab countries to a war against Iraq. Presi-

dent Mubarak thought some countries would have trouble containing the people in the streets. He felt confident he could but was worried about other countries. He thought U.S. installations would be at risk where the Arab sentiments run so strongly against the United States.

In Syria, I had an extensive talk with Syrian President Bashar al-Assad and Foreign Minister al-Shara. The view there was that they are very much opposed to military action against Iraq. We noted that Syria had joined in the unanimous Security Council Resolution on 1441. But that, of course, fell short of the use of military force.

On January 6 I attended a session of the United States-Syrian dialog which had been initiated by the James Baker Institute last May in Houston, TX. There was an effort made to bring the Syrian and U.S. officials together to talk about problems of mutual concern. The principal area was the question of Syria playing host to terrorist organizations. I raised that issue in a meeting with President Assad and told him that if he wanted to get off the terrorist list there would have to be something done about that, the terrorist groups would have to leave Syria. He declined, saying that they were representatives of the Palestinians, and they were carrying out a political agenda and he would not ask them to depart from Damascus.

In the U.S.-Syrian dialog, and in talks with President Assad, we discussed the support of Syria and Iran for Hezbollah and the rockets which are pointed at the Israelis. I had conveyed to President Assad Prime Minister Sharon's willingness to meet with Syrian officials on a second peace track. When we met with Prime Minister Sharon in Israel, the subject came up of the possibility of Israeli-Syrian peace talks. And Prime Minister Sharon said he favors that. I asked him if he would mind if I passed that message on to President Assad, and he said: You are authorized to do that. President Assad responded that he thought peace talks would be a good idea. He said he would not want to finish them before the Israeli-Palestinian talks were concluded, but we talked about the negotiations which had been brokered by President Clinton in the mid-1990s where they came very close to a peace agreement between Prime Minister Rabin and President Hafez al-Assad.

Candidly, I do not expect things to blossom in that direction, but I do think it would be useful, always, to keep the conversations going and to see if peace could be attained.

Hearing the sentiments in Great Britain, in Germany, in Egypt and in Syria as to the general concerns about a military confrontation without explicit United Nations authorization, it is my hope that authorization will yet be obtained.

I thought the President's speech on Tuesday night was right on the mark, right on target, laid down the gauntlet

in a very clear way. It is a different world after September 11, when we learned a bitter lesson by not taking action against Osama bin Laden and al-Qaida after we had ample warning to do so.

We cannot ignore imminent threats. There is a basis in international law, as I said when we discussed the resolution authorizing the use of force, to take action, sanctified by international law where there is an imminent threat.

I was encouraged by President Bush's statement that he was going to send Secretary of State Powell back to the United Nations to produce specific evidence. I believe there is evidence to show that Saddam Hussein has not complied with Resolution 1441.

When there is all this talk about a smoking gun, I think that metaphor misses the point. You do not need a smoking gun to get a conviction. In fact, you do not even need a gun to get a conviction where you have other evidence. I believe the evidence is very strong, as Hans Blix and the other U.N. inspectors have said in their preliminary report, that Saddam has not accounted for the weapons of mass destruction which we knew he had when the U.N. inspectors were kicked out in December of 1998.

I believe there is other evidence. And the word is the decisions are now being made as to how much of that information can be transmitted to the United Nations without tipping Saddam off so he will move his weapons of mass destruction, which are mobile, or so that we will compromise sources and methods.

The media reported earlier this week that Britain was in support of a German plan to have a second interim report on February 14. If that does come about, it will give the U.N. inspectors a little additional time, perhaps, to act on additional information which Secretary of State Colin Powell can provide.

As I said on the floor of the Senate when we discussed the resolution for the authorization for the use of force, I think the hand of the United States would be much stronger if a second U.N. resolution is obtained. I believe there is a considerable body of evidence on the record at the present time to warrant a second United Nations resolution, which would authorize the use of force. But there is no doubt there is resistance from France and Germany.

I think the President is absolutely correct, we cannot allow our national interests and our national policy to be determined by anybody but the United States, and we cannot be subjected to a French veto.

It is my thinking that the French may be satisfied. If they are, I think the Russians will not veto nor will the Chinese, and we can move ahead for a second United Nations resolution.

The President has emphasized his hope to avoid a war. If the Iraqis and Saddam Hussein face a united United Nations, perhaps that is possible.

Back in January of 1990, Senator SHELBY and I had an opportunity to meet with Saddam Hussein for about an hour and a quarter. And although he is brutal—he has a record for using chemicals on his own people, the Kurds, in the Iran-Iraq war—and is vengeful, I think it may be accurate to say he is not suicidal. I believe that if he sees the noose around him, perhaps there is some opportunity he may step aside or that the military or others in Iraq may take action to dislodge him from a leadership position.

If war can be avoided, obviously, that is in the interests of everyone, to avoid putting our fighting forces in harm's way and to avoid casualties of the Iraqi civilian population and the Iraqi military population.

In essence, the trip to Europe and the Mideast showed me a state of substantial unrest. People are uneasy about a prospective war for many reasons. If the United Nations were to authorize it, I think that would allay a great many concerns and might even present the setting for deposing Saddam Hussein without the necessity of war.

Mr. President, I ask unanimous consent that my report on foreign travel to Europe and the Middle East and op-ed pieces which I have published in the *Pittsburgh Post Gazette* and the *Harisburg Patriot* be printed in the RECORD.

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

#### CODEL TRIP REPORT

In accordance with my custom of reporting on my foreign travel, this is a brief summary of my trip from December 23, 2002–January 7, 2003 to England, Lithuania, Germany, Israel, Egypt, and Syria.

#### ENGLAND

On December 24th, our first full day in London, in the company of Chargé Morton Dworkin, we met with William Ehrman, Director General of Defense and International Affairs, and Edward Chaplin, Director of Middle East Affairs, and former Ambassador to Jordan. We discussed the Israeli/Palestinian issues and the British position that it was preferable to follow the road map adopted by the so-called quartet which consisted of the United States, the UN, the EU, and Russia. Mr. Chaplin pointed out that Great Britain was holding a meeting in January with the Palestinians to try to move along the peace process in the interim before the Israeli elections scheduled for January. He expressed the opinion that Chairman Arafat should not be deposed because it will make him a martyr and strengthen him.

We discussed the efforts by Egyptian President Mubarak to persuade Hamas and Islam Jihad to accept a cease-fire. It was pointed out that Syrian President Bashar had been in England for several days visiting the parents of his wife who is British.

As to Iraq, our British hosts agreed that Saddam definitely had weapons of mass destruction and that he had not adequately explained what happened to such weapons after the UN inspectors had been ousted in 1998. It was noted that public opinion in Great Britain opposes military action against Saddam unless it is sanctioned by the UN and, even then, there are many dissenters. Prime Minister Tony Blair had taken credit for persuading President Bush to go to the UN for

Resolution 1441. It was further observed that sentiment in Great Britain favors another UN resolution authorizing force before a military confrontation occurs with Iraq.

On December 26th, we received another supplemental team briefing by Chargé Dworkin including an intelligence briefing.

#### LITHUANIA

We arrived at the Vilnius International Airport on the afternoon of Friday, December 27. We were greeted by Ambassador John Tefft, Marilyn Ereshefsky, and Randolph Flay of the United States Embassy. From the airport we drove to the U.S. Embassy for a Country Team briefing. During the drive from the airport, the Ambassador provided us with a brief background of the Country. He began his summary of Lithuania's history at the thirteenth century when it was the largest state of Central and Eastern Europe. In 1795 Lithuania was incorporated into the Russian Empire and remained that way until gaining their independence in 1918. In 1940 the country was occupied and annexed by the Soviet Union where it remained under Soviet control until 1990 when it again rejoined the community of free and democratic states after the fall of the Soviet Union.

Upon arrival at the embassy, Ambassador Tefft introduced us to his core team which included Marilyn Ereshefsky, the Section Chief, Randolph Flay, Political Officer, Michael Sessums, Economic Officer, Brent Barker, Attache, and Ruta Eluikis, Consul. Ambassador Tefft opened the meeting by informing us that we were visiting Lithuania at a special time in history as Lithuanians were still basking in the glow of the recent visit by President Bush and the acceptance into NATO and the European Union (EU). Ambassador Tefft recounted President Bush's very moving speech given in the heart of Vilnius where he said "an enemy of Lithuania is now an enemy of the United States."

I inquired about the attitude of the Russians toward Lithuanian acceptance into NATO and was informed that Russians were tolerant but not particularly happy about the expansion. Ambassador Tefft then commented to me that Lithuania had been independent in their past and very much wants to continue in that tradition as they look toward the future. However, there are still many remnants of the Soviet-era throughout the Country. For example, a Chernobyl-style nuclear power station is responsible for producing eighty percent of Lithuania's energy. As a condition of acceptance into the EU and after pressure from the international community, Lithuania has agreed to terminate the plant between 2005 and 2009.

Our conversation then turned to the economy. I was pleased to learn that the economy in Lithuania is undergoing a boom of sorts. Since independence, Lithuania has made substantial progress in economic reform. The GDP has risen from 5.9 percent in 2001 to 6.9 percent in 2002. According to the Ambassador, Lithuania is the only European country where the economy is significantly growing. He further advised that the majority of the EU economy is flat which poses large problems from Germany to the United Kingdom. Although unemployment in Lithuania is still a serious issue, it is not as bad as neighboring countries. The challenge now is to encourage a movement from agricultural jobs to more productive employment for many Lithuanians. Whereas twenty percent of the population is agricultural, these are mainly small family run farms and they account for only seven percent of the Gross Domestic Product. There is still considerable poverty in the rural areas.

Lithuania produces products for export for companies such as the furniture maker Ikea,

textiles for Oscar de la Renta, and cheese for many U.S. frozen food manufacturers. They also have a growing high-tech sector which produces software for such U.S. companies as Kemper Insurance. Consumer goods are also doing well. The biggest U.S. investors in Lithuania are Phillip Morris and Kraft foods. Currently, U.S. companies invest almost \$350 million in Lithuania each year. Where Lithuania has made great strides economically since gaining their independence in the early nineties, they still have major economic challenges ahead.

The discussion then moved to the population of Lithuania. Currently Lithuania has 3.7 million people living here. Largely, they are Roman Catholic. I inquired about the size of the Jewish population and was told there are currently about 5,000 Jews living in Lithuania. Lithuania's Jews can be traced back to the 13th century. By the 18th century, Vilnius had become the world capital of traditional—Talmudic, learning, often referred to as the Jerusalem of the North with over 250,000 Jews living in the Country. Tragically, 94 percent of the population, including 80,000 Jews living in Vilnius perished in the Holocaust, the highest percentage of genocide in Europe. Almost no Jewish cultural sites or homes of renowned Jewish personalities are remembered.

On Saturday, December 28th, we took a walking tour of the Old Town of the Lithuanian capital which is one of the largest in Eastern and Middle Europe. In the ancient part of Vilnius we could see the fusion of nature and architecture and the overlapping of cultures and traditions. Throughout Vilnius' history, inhabitants built synagogues, mosques, and Catholic churches next to one another.

Following our tour we proceeded to the Presidential Palace for a meeting with Valdas Adamkus, the President of Lithuania. President Adamkus, a former U.S. citizen and Administrator at the Environmental Protection Agency for the Great Lakes Region is in the middle of his second Presidential campaign. He faced 16 opponents in the general election on December 22 and now has a run-off which will take place on January 5th. Although President Adamkus was expected to win, his run-off opponent has made his age of 76 years an issue.

Our conversation then turned to Lithuania's acceptance into NATO and the Russian attitude toward expansion. President Adamkus said that Russia does not pose a significant threat to any of the Baltic countries and that President Vladimir Putin has become milder over the years. I asked about the mission of NATO now that the threat is gone. President Adamkus said that NATO provides an internal European security structure. Although he agreed with me that the role has changed, it is nonetheless important to all member countries including the United States.

Economically, the President said, NATO membership provides almost instant foreign investment increase. He is confident that an additional \$5 billion in revenue will come into Lithuania in the next three years and by the end of the decade Lithuania will look completely different. President Adamkus is determined to bring the standard of living up throughout the country. He feels there is still too much poverty, particularly in rural areas.

We then discussed the state of the current Judicial system. The President indicated that the country has significantly restructured the Judiciary in the past several years, particularly the past six months, but there is still a long way to go. He is proud of the fact that a large number of young, western educated Judges were recently sworn in but acknowledged that there are still many Judges

left over from the fifty years of the Soviet occupation. The Supreme Court however, is free from Judges from that era.

I then inquired about the position of Lithuania on Iraq and Saddam Hussein and where Lithuania would stand if it is proven that Iraq has reestablished a program of weapons of mass destruction. President Adamkus believes that it is inevitable that Hussein is lying and that Lithuania will stand by its allies and will be part of the overall effort if it comes to that point. President Adamkus then reminded me that Lithuania has been exchanging small groups of officers with the United States for training exercises. He then noted to me that the Pennsylvania National Guard recently sent seventy troops to Lithuania to perform a joint training missions with our troops.

After our meeting with the President, we departed for a meeting with Foreign Affairs Minister, Antanas Valionis. Our conversation focused on Lithuania's invitation to join the NATO alliance at the recent summit in Prague and the European Commission report that included Lithuania on a list of ten countries expected to join the EU in 2004. Lithuania has made great strides, politically and economically, over the past decade and their invitation to join both NATO and the EU are a reflection of those efforts.

We discussed Lithuania's support for the War on Terrorism. They have deployed a 40-man Special Operations force to Afghanistan and have committed a medical support unit to the International Security Assistance Force (ISAF). It should be noted that Lithuania also contributed to operations in Bosnia-Herzegovina and Kosovo and currently have over fifty troops in the area. That evening I attended the opera Aida, at the Russian built Opera house. Following the Opera, I departed for the U.S. Marine Barracks to watch the Philadelphia Eagles play the New York Giants on the Armed Forces channel.

On the morning of Sunday, December 29th, we departed for a tour of Zydu, the Jewish section of Vilnius with our guide Yulik Gurvitch. This area was once a thriving spot for Jewish culture, but was desecrated by the Nazis occupation and later torn down by the Soviets. The area served as a prison camp for 60,000 Jews, of which most perished in the neighboring Paneriai forest. Vilnius was also home to the famed Yiddish Institute for Higher Learning and the Strashum Library which housed the world's largest collection of Yiddish-language books. It was known throughout the world for its thriving Yiddish-language theaters and libraries and schools and was coined the Jerusalem of the north.

I was pleased to learn of Lithuania's commitment to deal with its difficult past as it pertains to the Jewish faith. In 2002, the government returned hundreds of Torah scrolls to Jewish groups and announced its plan to restore and revitalize the Jewish Quarter. A program to educate its soldiers and students about the Holocaust is also in place. We departed Lithuania around mid-day bound for Germany.

#### GERMANY

On the afternoon of Sunday, December 29th, we arrived in Berlin, Germany and were met by Franz Seitz, our control officer at the U.S. Embassy. He notified us that former Senator Dan Coats, who now serves as Ambassador to Germany, was back home in the United States celebrating the birth of his grandchild. From the airport, we drove through Berlin toward our hotel. It was gratifying to see first-hand Berlin's progress since the infamous fall of the Berlin Wall on November 9, 1989. Berlin is a modern city embracing the 21st century while maintaining a sense of its rich history.

Monday morning, December 30th, we met with members of the Country Team at the U.S. Embassy including Terry Snell, the Deputy Chief of Mission, John Lister, Deputy Counselor for Political Affairs, and Franz Seitz. The briefing began with discussions of the poor state of relations between Germany and the United States which has reached its lowest level in decades. Relations between the two countries soured in September 2002 when, during the German election campaign, Mr. Schroeder repeatedly voiced his opposition to military action against Iraq—a position which angered the U.S. The Administration was also infuriated by comments from former German Justice Minister Herta and Paul Daehle, who likened President Bush to Adolf Hitler. Although Chancellor Schroeder eventually apologized and fired the Justice Minister, the comment significantly strained the relationship between our two countries.

After the election took place, the German people were incensed to learn that the Chancellor had painted a false picture of the state of the German economy. He inflated the status of the fiscal situation of the Germany only to release data after the election indicating the deficit was significantly larger than previously indicated. In fact, they are facing a terrible recession and have the slowest economy in Europe.

I then questioned the team on anti-Semitism in Germany and was discouraged to hear that it is on the rise in certain areas particularly among young people. One argument for the increase in anti-Semitic attitudes among young people is the simple fact that because of the economy there are very few activities or jobs for youth in Germany. Right wing, anti-Semitic, anti-foreigner, anti-American groups host events for young teens and provide entertainment as well as a social setting while instilling these troubling ideas. These groups are also closely allied to the "skinhead" movement. The embassy also indicated that there is a rise in anti-Semitic contact in German media reports.

I then explored the idea of whether there was any concern that Germany could go back to the ways of World War I or II. The country team seemed confident that this could never happen because there is no political energy to increase the size or strength of the military or return to a militaristic society. I was further explained to me that Germans are morally horrified by what happened in this country during World War II and have a moral revulsion to much of their past. The Germans are making a conscientious effort to teach the holocaust in their text books and classrooms and are facing their history head on. They make no effort to hide the atrocities committed in the past.

The current German attitude was illustrated by the sentiment that in Germany today it is politically incorrect to make the statement that you are proud to be a German. The German people are well-aware of how they are perceived by the world for their actions of yesterday and are very cautious about perpetuating the idea that they are becoming too nationalistic or militaristic. For example, last year a cabinet minister almost lost his job for saying those words. Further, Chancellor Schroeder used the phrase "the German way" in a campaign statement last year and was so widely criticized he was forced to stop using the statement. It appears that because of Germans instigation of World War I and II that the most pervasive attitude in Germany is passivism.

After the country team briefing, we met with Wolfgang Bosbach, a member of the Bundestag, who is the Chair of the Domestic and Legal Affairs Committee and member of the Christian Democratic Union, the opposi-

tion party. Bosbach has been a vocal supporter of U.S. initiatives in the war of terrorism. Our discussion centered on U.S. German relations and the issue of Iraq. I asked him if the United Nations has a second resolution authorizing the use of force where will the Germans stand. He felt there would still be no change of opinion in Germany. For Schroeder, there is no way back, he was extremely vocal in his opposition to a war in Iraq throughout the campaign and he will not change course now. He continued on to say that the majority of Germans were also opposed to action in Afghanistan, but Schroeder was able to proceed there by calling for a vote of confidence on the coalition. He did feel, however, that Germany would be active in any reconstruction efforts in Iraq.

Bosbach felt that Schroeder made two critical mistakes in dealing with the United States. First, he said that the U.S. and Germany are friends and that friends don't speak publicly against one another in any circumstance. He felt that Schroeder handled the situation of his Justice Minister's comments very poorly. Secondly, he felt that Schroeder should have never come out publicly against action in Iraq without having had a private conversation with President Bush first.

As a member of the opposition party, Mr. Bosbach is convinced that the German government hasn't done enough in the war on terror. As an example, he believes that in Germany, if the government has adequate proof that an individual belongs to a terrorist organization, they should automatically lose their citizenship. Germans cannot expel or deport anybody and with German citizenship, an individual can pass freely into many countries. Last year alone Germany issued three hundred and forty thousand visas to individuals from rogue states. Mr. Bosbach believes there is a network of terrorists in Germany as three of the September 11th pilots had lived in Germany.

After our meeting with Mr. Bosbach, we headed for a luncheon hosted by the Berlin chapter of the American Chamber of Commerce. The Chamber members in attendance were both Germans and Americans. I was interested to learn that there are over two thousand American Companies in Germany which have invested one hundred billion dollars and employ over eight hundred thousand people.

I inquired about the overall attitude of the group regarding the U.S.-German relationship. There was widespread agreement that the members were disappointed about the position the German government took during the election. As one member put it, the relationship which took fifty years to rebuild was destroyed in five seconds. However, many in the group felt that a majority of Germans are not anti-American. When I asked if they thought Germany would go along with a United Nations resolution against Iraq if there was sufficient proof that Saddam is lying, it was clear nobody thought the government would support action in Iraq.

I expressed surprise that the economy was in the difficult situation it is today as I have always had a great respect for German ingenuity, efficiency, and technology. Many of the group were keenly interested in how the international situation and the relationship of our two countries was going to affect future business and trade. I believe that business people still want to do business regardless of any comments made by Chancellor Schroeder.



In the afternoon, we arrived at the German Federal Ministry of the Interior for a meeting with Reinhardt Peters the Minister-Director in the Police Bureau. Mr. Peters informed me that he is responsible for coordinating police responses to major crime including terrorism, and plays a key role in co-operative law enforcement efforts within the EU and with other nations. He is also involved with Germany's lead-nation role in building an Afghan national police force. We discussed such subjects as the death penalty, which Germany does not have and how the Germans are prepared to deal with terrorism.

Following the Ministry of Interior meeting we proceeded to the Federal Ministry of Justice for a meeting with Minister-Director for Criminal Law, Christian Lehmann. Earlier this month, the German government agreed to provide evidence requested by the U.S. pertaining to suspected "20th hijacker" Zacarias Moussaoui. Germany had initially refused to provide the evidence, arguing that its constitution forbids providing evidence that could lead to enforcement of a death sentence. The U.S. Justice Department agreed to use the evidence only during the guilt determination portion of the trial, and not the sentencing portion of the trial. Given its original reluctance in the Moussaoui case, it is not clear how much cooperation Germany is providing in other terrorist investigations relating to September 11th and any other al-Qaeda investigation. Germany is currently prosecuting Mounir el-Motassadeq for his alleged involvement with the Hamburg terrorist cell connected with the September 11th attacks, having charged him with "aiding and abetting" the murder of the over thousand victims of September 11th.

The following day we had the opportunity to attend a lunch meeting at the offices of the American Jewish Committee (AJC). Lunch was hosted by the managing director, Deidre Berger and Greg Caplan, the assistant director of the AJC in Berlin. Our discussion primarily focused on the attitudes of Germans toward Jews. They were encouraging on many fronts. First, they were confident that the majority of young people are interested in maintaining memory of the holocaust and lessons of their dark past are widely taught in German schools today. Further, the AJC commended the German government for their willingness to teach about racism and tolerance and their cooperation with the AJC on this front. Less positive however, were the results from their recent survey indicating that negative attitudes toward Jews are widespread in German society today. Sixty percent of Germans acknowledge that anti-Semitism is currently a problem in Germany according to the survey.

Keeping with the theme of the day, we headed to the Jewish Museum which had an exhibit of 2000 years of German-Jewish history. On New Years Day, 2003, we departed Berlin for Israel.

#### ISRAEL

Thursday, January 2nd provided us the chance to meet with representatives of the Palestinian Authority and Israeli leaders. In the morning we met with United States Ambassador Daniel Kurtzer, and Salam Fayyad, the new Minister of Finance for the Palestinian National Authority. Mr. Fayyad was certainly a breath of fresh air in the Palestinian Authority. Mr. Fayyad, who was raised in the West Bank has worked with the International Monetary Fund and the Federal Reserve in St. Louis. He received his Ph.D in Texas and has spent time living in Washington, DC.

At the time of our meeting, he had just submitted the 2003 Palestinian Budget pro-

posal. This is the first publicly disclosed budget of the Palestinian Authority. He identified significant reforms that he has instituted. First, he has centralized the Treasury. This means that all revenues will now be going directly to the department of the Treasury. Prior to his reform, Palestinian finances went into many different accounts with no centralized control. This enabled monies to be used for such purposes as arms purchases and terrorism financing. Second, Mr. Fayyad took control of public hiring. In the past, there was no management of the public payroll. There were literally hundreds of people within the system who could hire government employees. This encouraged corruption and patronage leading to more violence. Now, under Mr. Fayyad, no additions to the payroll can be made without the express permission of the Ministry of Finance. He also took control of the internal auditing system.

I then met with Foreign Minister Netanyahu and we discussed a number of subjects including the peace process, Iraq, and the issue of the prosecution of criminals for terrorist acts committed against Americans abroad. I expressed an interest to extradite to the United States terrorists whom we know are responsible for the death of Americans. I provided the Foreign Minister with a list of several known assassins, some of which were either currently in Israeli prisons or whom Israel had adequate knowledge of their whereabouts. I encouraged the Israelis to work with the United States Justice Department in prosecuting these terrorists.

During a lunch meeting with Saeb Erakat, we discussed Chairman Yasser Arafat's leadership abilities and my opinion of the need for the Chairman to step aside. I told him I thought it unrealistic to rely upon Chairman Arafat in the peace process because of the evidence implicating him in terrorism. It had been established that he knew about the shipment of arms from Iran early last year and his handwriting was on documents funding terrorism. I raised the possibility that Chairman Arafat might be regulated to a titular position. Mr. Erakat said that he believes there is no other alternative to Chairman Arafat and that he was working to promote peace and he even gave a recent speech calling for a cease fire. He then went on to say that Chairman Arafat was one of the first leaders to call for a dialogue. Mr. Erakat stated that there is no trust on either side and that under those circumstances it will be almost impossible to begin the process of a recovery.

When I asked if he thought there was a chance for the suicide bombings to stop, he said he hoped it was possible, but it will be very difficult because all a person needs is a "mind-void of hope" and two hundred dollars to bring about terror. He said that the circumstance on the ground in the Palestinian territories was hopeless for so many.

I then went on to meet with the Israeli Attorney General, Elyakim Rubenstein. I further probed the topic of extradition of terrorists accused of killing Americans in Israel and further solicited the cooperation of the Israeli Government in an effort that would support a U.S. prosecution of these terrorists. I noted that I had spoken with Foreign Minister Netanyahu regarding this issue and provided him with a list of suspects. He said that he generally agreed with this idea and pledged full cooperation and willingness to work with the U.S. Justice Department. We acknowledged that it is a high priority for both of our governments to ensure that perpetrators are brought to justice. I responded that I recognize Israel's sovereign right to prosecute terrorists who attack and murder its citizens, but pointed out that there is a

valid role for the U.S. Government to play when Americans are killed.

Following my meeting in Jerusalem with the Attorney General, I proceeded to Tel Aviv to meet with Prime Minister Ariel Sharon where we discussed a wide range of topics including Palestinian terrorism, Israeli military response, Iraq, and Yasser Arafat. Prime Minister Sharon complained about the ten thousand Hizballah rockets in Lebanon which are pointed toward Israel. He said Damascus was the center and headquarters for the most radical terrorist groups and said they should immediately be dismantled. In context of his focus on Syria, I then asked the Prime Minister if he would be willing to go to Syria to discuss this. He said he was interested in going to Damascus and would be willing to sit down at the negotiating table with President Bashar al-Assad of Syria so long as there were no preconditions. I asked if he would object if I conveyed that message to President Assad when I was in Damascus and he said no.

I then went on to meet with former Prime Minister Ehud Barak at his private office in Tel Aviv. Mr. Barak was in good spirits and we had a conversation covering many subjects including the peace process, Lebanon, Iran, and Iraq. Mr. Barak indicated that he supported the efforts the Bush Administration is making toward trying to achieve a lasting peace in the area and believes it represents a very good opportunity. We also discussed the effort that Prime Minister Tony Blair was making by meeting with President Assad and others in the region.

Our final meeting of the day was with former Prime Minister Shimon Peres. My first observation was that he didn't age. I asked him about this and he advised me that his philosophy of life keeps him young—he is an optimist. Our meeting was brief as the hour was late and he had another appointment that day. We spoke about Chairman Arafat and the possibility of his moving into a position of less power within the Palestinian Authority. He doubted that would happen.

We then discussed his approach to peace discussions. He believes the process should move forward in several directions at once, as opposed to the widely discussed strategy of achieving individual milestones. He compared it to sending a fleet out instead of a train. On the topic of Syria, Mr. Peres did not discount the idea of peace negotiations, but expressed his feeling that Israel should not lose sight of the Palestinian issue, the matter of prime importance.

#### EGYPT

We arrived at Cairo International Airport on Friday, January 3rd where we were met by our control officer Steven Bondy. From the airport we immediately went to tour the impressive Egyptian Museum where we toured King Tut's tomb and other historical artifacts.

Following the Museum, we went to the U.S. embassy where I had the opportunity sit down with a group of Egyptian reporters for a roundtable discussion of current affairs.

I then proceeded to the Foreign Ministry for a meeting with Minister Ahmed Maher and U.S. Ambassador David Welch. We discussed my upcoming trip to Damascus for the U.S.-Syrian dialogue. Mr. Maher encouraged my participation and expressed praise for the initiative by the James A. Baker III Institute for Public Policy at Rice University. We discussed Syria in some detail afterward and Mr. Maher's support for President Assad. We then discussed the issue of violence in the Palestinian territories and Mr. Maher expressed his disappointment and view that seemingly everyday there is another "incursion" by Israeli forces. On the

upside, he noted that there were forces on both sides amenable to change.

The following day we flew to Sharm El-Sheikh, Egypt to meet with Egyptian President Hosni Mubarak. As usual, President Mubarak was a gracious host. We met in his private office and then were invited to join him for brunch. We discussed his recent visit by Prime Minister Tony Blair and his view on prospects for peace. President Mubarak noted that the world has changed very much since our first visit with one another in 1982 but one thing that hasn't changed is that he is still willing to answer any question. I asked him if he thought it was possible for the violence to stop and he said he continued to work for a "cease-fire" by all parties. He indicated that he is willing to do whatever he can to help, but that the United States has to be in the center of any deal that is worked out. He said the same was true for a Syrian-Israeli deal as well. We went on to discuss Iran and Iraq and their individual relationships with the United States and Egypt and the reaction of the Egyptian people if President Bush returns to the United Nations for another resolution. He said there was great concern in the Arab world about a war with Iraq. He indicated that there would likely be protests in the street and although he could handle that in Egypt it would be difficult for other Arab leaders. President Mubarak commented that the war with Iraq will have a negative effect on the Egyptian economy and the economics in the region generally.

Finally, on the local Pennsylvania scene, I urged President Mubarak to finalize a \$100 million deal with Norfolk Southern, which has agreed to rehabilitate 100 Egyptian locomotives. Norfolk Southern is still negotiating the terms of the contract, but it is my hope that the deal can be worked quickly. President Mubarak responded that if the funding was in the pipeline from USAID it would be completed. I offered my thanks to President Mubarak for Egyptian support for the war on terrorism.

#### SYRIA

On Saturday, January 3rd, we left Egypt and arrived in Damascus, Syria where we were met by Ambassador Theodore H. Kattouf and our Control Officer, Jen Rasamimanana. Ambassador Kattouf is a native of Altoona, Pennsylvania and a graduate of Pennsylvania State University. After attaining the rank of Captain in the United States Army, he began a distinguished career in the foreign service including assignments in Kuwait, Tunis, Beirut, and Baghdad.

The following morning I met with Syrian President Bashar al-Assad. President Assad has been meeting with many of my House and senate colleagues in recent months and I complimented him for his willingness to have a dialogue with the different groups. I told him how useful I think it is for Members to have these meetings and how useful I thought it could be for him.

We discussed my trip to Israel and my meeting with Prime Minister Ariel Sharon where he indicated his willingness to discuss peace. President Assad said anytime is a good time for peace, but that he believes the United States needs to be involved in any negotiations. I asked him if he thought negotiations could take place prior to an Israeli-Palestinian negotiation. He commented that he thought negotiations could get started, but likely no agreement could occur until the Palestinian issue is resolved. I told President Assad that the U.S. remains committed to resolving the conflict.

I then raised the issue which has been brought up by Prime Minister Sharon in Israel regarding terror organizations resid-

ing in Syria. I asked that his country work to eliminate groups with Syria's borders who continue to fan the fire in the region. President Assad asserted that these groups, including Hizballah and Hamas, do not conduct terrorist operations out of Syria and that they represent thousands of Palestinians whom he would have to dislocate. He said he was unwilling to do so. I responded that if Syria wanted to be removed from the U.S. terrorist list, Syria would have to oust those terrorist groups from Syria and end support for Hizballah.

With regard to Israel we also discussed Prime Minister Sharon's complaint that Syria controlled over ten thousands Katyusha rockets, which were pointed toward Israel. President Assad said these would not be used against the Israeli people.

President Assad emphasized Syria's desire to be removed from the U.S. Department of State's list of state sponsors of terrorism and his unhappiness about the Syrian Accountability Act which was introduced in the last Congress and signed by over 45 of my colleagues. I told President Assad if the terrorist groups were to leave Syria, it would go a long way toward their legislative goals in the United States.

I commended President Assad on Syria's willingness to support renewed weapons inspections in Iraq and sanctions aimed at disallowing that country's re-armament, which are steps in the right direction. I asked that Syria continue to cooperate with the U.S. against al-Qaeda.

I raised with President Assad the issue of an American, Mrs. Liz Henry Murad of New York, who has requested assistance in locating her children who are believed to be in Damascus. Her children were forcibly kidnapped by their father, Mr. Ruwayn Murad, and reportedly taken to Syria. After alerting President Assad, Foreign Minister Farouk al-Shara, and Rustum al-Zoubi, Syrian Ambassador to the United States, of this abduction in separate letters dated February 8, 2002, I raised the case with President Assad personally during my previous visit to Damascus in March 2002. Then, on April 4, 2002, I wrote to President Assad and Major General Ali Hourri, the Syrian Minister of Interior, requesting that Syrian officials pursue a Lebanese warrant for Mr. Murad. In this meeting with President Assad, he indicated he was willing to work with the Lebanese Government to resolve this case.

I also asked President Assad about Guy Hever, a missing Israeli soldier, who is believed by his family to be a prisoner in a Syrian jail. Mr. Hever was last seen on the Golan Heights near the Syrian border on August 17, 1997. I met with the mother of Mr. Hever in my Washington, DC office on November 6, 2002 to hear of her son's mysterious disappearance. Thereafter, I wrote to President Assad asking him to order an inquiry into Mr. Hever's whereabouts and pursued the subject in our meeting. President Assad said he would have the matter investigated.

We spent most of the day Monday, January 6th at a U.S.-Syrian dialogue, which was a continuation of the event that took place last May at the Baker Institute at Rice University in Texas. The event was attended by many experts on U.S.-Syrian relations including former U.S. ambassador Edward P. Djerejian, former Ambassador Richard Murphy, Syrian Deputy Foreign Minister Walid al-Moualem, Buthayna Shaaban, head of the Foreign Ministry's foreign media and public relations department, Riad Ismet, director of the state radio and television service, and Mohammad Aziz Shukri, a professor of international law at state-run Damascus University.

The dialog focused on Iraq as well as the Israeli/Palestinian issues. The Syrian inter-

locutors were adamant in opposition to war against Iraq although they condemned Saddam Hussein's conduct. The Syrians welcomed my opinion, even though I emphasized it was President Bush's ultimate decision, that the U.S. should return to the UN for another resolution supporting the use of force before acting.

Notwithstanding the heated comments and diverse points of view, the exchanges were constructive. The Syrians left with a better understanding of our revulsion to suicide bombings targeting civilians after our own experience of 9/11. Both sides agreed that the killing of Israeli and Palestinian non-combatants had to be stopped. The only real agreement came on the utility of "dialogue" even in the absence of any agreement on any proposed solution.

With the opportunity presented by a new young, British educated President in Damascus, we should accelerate our efforts to improve U.S./Syrian relations, persuade the Syrians on our views on terrorism and strive for an Israeli/Syrian Peace Treaty.

We left Syria on the afternoon of January 6th, made an overnight stop in London to change planes, and headed back to Washington, DC on January 7th to begin a new session of Congress.

[From the Pittsburgh Post-Gazette, Jan. 15, 2003]

#### A TOUR THROUGH EUROPE AND THE MIDEAST REVEALS THE LACK OF ENTHUSIASM FOR A U.S. MILITARY ATTACK ON IRAQ

My ten-day fact finding visit to Europe and the Mid-East in late December and early January found little support for a U.S. war against Iraq. The Germans were outspoken in opposition. British Prime Minister Tony Blair, personally a strong supporter of President Bush, appeared to be a leader without many followers on this issue.

The strongest opposition and most dire warnings came from nations in the Mid-East with the exception of Israel. Egypt's President Mubarak, a solid U.S. ally for more than two decades, predicted violence against U.S. interests in the region if Iraq is attacked. U.S. Embassy personnel in Syria are on alert to evacuate in advance of any war.

Recollections are still fresh on the Syrian mob which ransacked our Ambassador's residence in Damascus in December 1998 following a U.S. missile attack on Bagdad. Ambassador Ryan Crocker's wife was rescued just before the mob threatened to break through the steel door in the so-called "safe haven". The bricks and mortar of the residence have been repaired, but the psychological damage lingers on.

I was in Damascus on that night in December 1998 when that attack occurred and was awakened at 2 A.M. to watch CNN's coverage of the missiles striking Bagdad. Leaving Syria on schedule at 6:30 that morning, I then traveled to Egypt and Jordan and heard strong Arab protests on the U.S. military action which was minuscule compared to what is now planned.

On January 6th in Damascus, the "US/Syrian Dialogue", a forum initiated by the Baker Public Policy Institute in Houston last May, focused on Iraq as well as the Israeli/Palestinian issues. The Syrian interlocutors were adamant in opposition to war against Iraq although they condemned Saddam Hussein's conduct. The Syrians welcomed my opinion, even though I emphasized it was President Bush's ultimate decision, that the U.S. should return to the UN for another resolution supporting the use of force before acting.

In a separate meeting, President Bashar al Assad and Foreign Minister Shara complained to me about the UN's refusal to give all members of the Security Council the full

12,000 pages turned over by Iraq after Syria and all the other 14 nations had voted unanimously for Iraq to comply with its obligation to disarm. I agreed that all member nations, which are asked to vote for sanctions including UN military action, are entitled to all the Iraqi documents and whatever data the U.S. can supply establishing Iraq's non-compliance.

While the Syrians strongly favored a second UN resolution, they left no doubt they would not join in any UN military action as they had in 1991. They emphasized their 1991 joinder was based on Iraq's attack of Kuwait, another Arab nation, which was not present now.

German Chancellor Gerhard Schroeder's opposition to war against Iraq was echoed in our January 2nd meeting with Wolfgang Busbach, a member of the Bundestag. He explained that his country's experience in two 21st century wars had made Germans irreversibly pacifists. Even though he persisted in asserting Germany would not participate in military action even if the UN voted for it, he hoped the U.S. would seek another resolution before acting.

I was surprised to hear so much sentiment that it was politically incorrect for Germans to express pride in being German. Chancellor Schroeder was criticized for referring to the "German Way" in their recent election and stopped using that phrase. That attitude indicates Germany's reluctance to participate in any military action which might revive international sentiment against German nationalism.

These meetings confirmed my strong sense that the U.S. position would be greatly strengthened by a second UN resolution. UN Inspector Hans Blix has already noted Iraq is in default in not explaining what happened to the weapons of mass destruction which it had in 1998 before the UN was ousted. Perhaps the U.S. will be able to bolster the case showing Saddam's falsification from testimony from Iraq's scientists or evidence from U.S. Intelligence sources which can be disclosed without compromising sources or methods.

The final determinant on whether there will be war may be the vague and unpredictable state of Saddam's mind. Is he suicidal?

While the evidence is overwhelming on his venality and brutality, my 75 minute meeting with him in January 1990 persuaded me he was not a madman. Saddam has surprised many by submitting to UN inspections, even opening up his palaces, apologizing to Kuwait and making his scientists available for interrogation. Perhaps he has a surprise ending in mind.

[From the Patriot-News, Jan. 21, 2003]

#### YOUNG SYRIAN COULD PROVIDE MIDEAST HOPE

A suicide bombing at a Tel Aviv bus terminal murdering 23 more civilians on January 5th cast a pall over discussions on the Mid-East peace process which I had last week with Prime Minister Sharon in Israel, President Mubarak in Egypt and President Assad in Syria.

In Israel, Prime Minister Sharon insisted that negotiations could not be conducted with Chairman Arafat because of his proved complicity in supporting Palestinian terrorists. When I suggested to Sa'ab-Erekat, Arafat's chief negotiator, that the Chairman step aside to a titular position without power, Erekat responded that Arafat was determined to stay on as the duly elected leader. Egypt's President Mubarak and Syrian President Bashar al Assad agreed there was no one else on the scene to speak for the Palestinians although neither would vouch for Arafat's word or his non-involvement in terrorism.

So, the stalemate continues with no sign of the tunnel let alone a light at the end of the

tunnel. The Arabs, who vociferously argue that Prime Minister Sharon does not want peace, must know that this January suicide bombing strengthens his appeal in elections scheduled for later this month. Those who oppose peace, while perhaps not more numerous, appear to be more effective than those who favor peace.

Our Mid-East visits did produce some bright spots. The new Palestinian Finance Minister offers real hope that transparency may be forthcoming and corruption may be restrained. A University of Texas Ph.D. in economics and a former official at both the IMF and the Federal Revenue, Salam Fayyad, a native Palestinian, returned to his homeland after living in the U.S. from 1987 to 1995. In our meeting at the U.S. consulate in Jerusalem, Minister Fayyad outlined impressive reforms: (1) requiring all revenues to be paid to the Ministry of Finance eliminating the potential for diversion for corruption or terrorism; (2) consolidating all hiring in his department to eliminate patronage and kickbacks; and (3) activating both internal and external audits. His just released January 2003 budget was the first public budget in the history of the Palestinian Authority.

If corruption and violence could be eliminated, or at least curtailed, the stage could be set for resumption of contributions by the donor nations to rebuild the Palestinian Authority infrastructure and compensate Israel for its losses. In a relaxed setting in the resort town of Sharm el-Sheik, President Mubarak reiterated his longstanding efforts to broker a "cease fire". With Hamas and Islam Jihad continuing to claim credit for suicide bombings and evidence linking Chairman Arafat personally to supporting terrorists, such a "cease fire" appears remote, but worth the continuing effort.

After Prime Minister Sharon denounced Syria's harboring terrorist organizations in Damascus and supporting Hezbollah in southern Lebanon, I asked him if he would be willing to enter into peace negotiations with Syria as Prime Minister Rabin had in the mid-1990s which were brokered by President Clinton. He said he would providing there were no pre-conditions and asked me to convey that offer to President Assad which I did three days later in Damascus.

President Assad said he was willing to open peace talks with Israel. He said he did not think it appropriate to conclude a treaty before Israel and the Palestinian Authority had reached a final settlement, but that Syrian/Israeli talks could proceed on separate tracks. I do not expect Syria and Israel to immediately activate such discussions, but the reactions were more positive than I heard in many visits to Damascus and Jerusalem a decade earlier.

I then asked President Assad about Hezbollah and terrorist organizations in Damascus both in terms of Prime Minister Sharon's complaints and Syria being on the U.S. terrorist list. He responded that the organizations in Damascus were not involved in terrorism in Israel, but represented thousands of Palestinians who lived in Syria. As to Hezbollah, President Assad insisted that the Lebanese/Israeli border had been quiet, except for one or two skirmishes, since April 1986 when Secretary of State Warren Christopher worked out an agreement between the parties.

Notwithstanding those responses, I urged him to do more to satisfy the demands of our State Department for Syria's removal from the terrorist list. I remind him that the Syrian Accountability Act in the 107th Congress had obtained 35 co-sponsors in the Senate which represented real concern on the terrorism issue even though opposed by the Bush Administration. Should it become law,

it would probably cause a downgrading of relations even to the possible extent of withdrawing ambassadors.

At the conclusion of my trip, I attended the opening of the second U.S./Syrian Dialogue on January 6th in Damascus. The first "Dialogue" was held last May in Houston under the co-sponsorship of the Government of Syria and the James Baker Institute of Public Policy. The "Dialogue" focused on the Israeli/Palestinian controversies and Iraq. Notwithstanding the heated comments and diverse points of view, the exchanges were constructive. The Syrians left with a better understanding of our revulsion to suicide bombings targeting civilians after our own experience of 9/11. Both sides agreed that the killing of Israeli and Palestinian non-combatants had to be stopped. The only real agreement came on the utility of "dialogue" even in the absence of any agreement on any proposed solution.

With the opportunity presented by a new young, British educated President in Damascus, we should accelerate our efforts to improve U.S./Syrian relations, persuade the Syrians on our views on terrorism and strive for an Israeli/Syrian Peace Treaty.

Mr. SPECTER. Mr. President, in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 250 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire.

#### UNANIMOUS CONSENT AGREEMENT—NOMINATION

Mr. SUNUNU. Mr. President, I ask unanimous consent that at 2:30 today, the Senate proceed to executive session for the consideration of the England nomination, as under the previous order; provided further that the vote occur on the confirmation of the nomination at 2:50 today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. SUNUNU. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2:30 p.m., with the time equally divided between the majority and minority leaders or their designees, with Members permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

## IRAQ

Mr. LEAHY. Mr. President, this Tuesday we heard the President of the United States in his State of the Union Address once again appeal to the American people to support sending United States troops into a preemptive war against Iraq. In support of his appeal, he did not tell us anything we have not heard before.

A majority of the American people remain unconvinced that the United States, only 3 months after sponsoring a U.N. Security Council resolution calling on Iraq to disarm, should now, without the support of the Security Council, abandon the U.N. inspections process and launch a unilateral military invasion.

On January 18, in my home State of Vermont, over 3,000 Vermonters gathered in front of the Vermont State House in Montpelier, in freezing weather—in fact, some of the coldest weather we have had in years—to express their opposition to a war with Iraq. It is a privilege to represent a State whose citizens have always been among the most thoughtful voices and sometimes the most outspoken voices.

Those Vermonters were of all ages and from all walks of life. They were not alone. Hundreds of thousands of Americans, including many Vermonters, traveled to Washington to brave the subfreezing temperatures here. And there were protests in other cities and towns across the country.

These demonstrations convey the growing recognition of many Americans that the administration is preparing to invade Iraq, despite the opposing views of many allies and irrespective of any decision by the U.N. Security Council.

The situation in Iraq is not a simple black-and-white issue. I have said this over and over. We saw how the Reagan administration and the former Bush administration often facilitated and frequently ignored Saddam Hussein's development of weapons of mass destruction, until he extended his territorial claims to Kuwait's oil fields. We all know there is abundant evidence that Saddam Hussein is a deceitful, murderous villain. No one ignores that.

Still, there are times in history when circumstances compel us to speak out, and this is one of those times.

Several Senators have spoken eloquently—Senator KERRY, Senator BIDEN, Senator KENNEDY, and others—and I associate myself with many of their remarks.

Mr. President, the White House and Pentagon are fueling the belief that war with Iraq is inevitable. That was the President's message in the State of the Union Address, although no new evidence was offered. Many in the White House are eager, even impatient, for war to begin. They view Iraq as the first step in a fundamental reshaping of the geopolitical alignment of the Middle East. It reminds me of when I first started serving in the Senate, and the White House political thinkers at that

time were obsessed with theories about falling dominos.

I, like many here, and like many in the White House who are the most vocal advocates of a preemptive, unilateral invasion of Iraq, have been blessed with never having faced military combat.

I take to heart the wise words of my friend, Senator CHUCK HAGEL:

Many of those who want to rush this country into war and think it would be so quick and easy don't know anything about war. They come at it from an intellectual perspective versus having sat in jungles or foxholes and watched their friends get their heads blown off.

These same administration officials have also studiously avoided talking about what is inevitable in any war—American lives will be lost and the lives of innocent civilians, overwhelmingly, will be lost. People will die on both sides. And they give short shrift to the risks war with Iraq poses to building broad support for peace in the Middle East and, most important, to our efforts to thwart international terrorism.

The saber rattling in Washington—and the steady deployment of tens of thousands of U.S. troops, planes, and ships to the Persian Gulf—is causing alarm and fear both here and abroad. But world opinion, including so many of our allies, is squarely in favor of exhausting every effort to avoid war.

The people of Vermont gave me, as a member of the Senate Armed Services Committee in the spring of 1975, the opportunity to cast a tie-breaking vote against continued funding of the Vietnam war. I recall so well how over 30 years ago, even before focus groups, mass polling, and the hyperbole of midterm elections, White House politics—joined unfortunately by both parties—not the need to protect the American people, caused the deaths of tens of thousands of people in that unnecessary war in Vietnam. I am as proud of that vote as any I have cast since—and I have cast well over 10,000 votes in this body—and I will bring Vermonters' voices to the Iraq debate today.

It has been only 60 days since the U.N. weapons inspectors returned to Iraq. They are just reaching full capacity. I and others here urged President Bush to go to the United Nations and seek a resolution calling on Iraq to disarm, and I applauded the President when he did that. It was one of the finest speeches of his career, and he secured a unanimous vote in the Security Council for that resolution.

Now, however, the White House is wrong to dismiss the inspections as having failed so soon when the chief U.N. inspector says he is expanding his team and plans to work at least into March. The British, French, and German governments have all said the U.N. should be given more time, especially as long as the Iraqis give the inspectors access throughout the country.

This is the type of common sense that should be guiding our policy, not

a knee-jerk, trigger-happy approach that alienates our friends and allies. We should work closely with the United Nations. We should remember that far more of Iraq's weapons were discovered and destroyed by the inspectors after the Gulf War than were destroyed by our troops during the Gulf War.

I have no doubt Saddam Hussein is lying. He has lied countless times before. He is likely hiding weapons, including chemical and biological weapons. The U.N. inspectors' report leaves little doubt of that.

The Iraqis have not explained what happened to thousands of tons of chemical weapons material, and other biological munitions they had in their possession 5 years ago. There have been discoveries of empty chemical weapons shells and documents they had not disclosed. These are serious discrepancies by a regime that is among the world's most dangerous, deceptive, and brutal.

There may also be other evidence of Saddam Hussein's deception that the administration has not yet revealed. But the inspectors are continuing their work, and the results so far do not justify abandoning the inspections process and sending thousands of American men and women into a war costing hundreds of billions of dollars, that will cost American lives, and the lives of innocent civilians, and could trigger a wider conflict in the Middle East, while creating more enemies and terrorists over the long run.

If Saddam Hussein is removed from power, we will all celebrate. He has terrorized the Iraqi people for decades. His security agents have sadistically tortured, even summarily executed, many thousands of people. But far more is at stake here than getting rid of Saddam Hussein. At stake is the justification for sending Americans into war absent an imminent threat to the security of the United States, the most powerful Nation on Earth.

We have heard a lot of strong rhetoric, but we have not heard a compelling case that the use of military force is the only alternative to disarm Iraq.

Last year, our President pointed to "evidence" that Iraq was developing nuclear weapons. Today, that evidence seems to be disappearing. Despite a rush to judgment by some White House officials, U.S. intelligence experts remain deeply divided on this question. The International Atomic Energy Agency says there is no evidence that Iraq has resumed its quest for nuclear weapons.

In response, the White House claims there is proof Iraq is hiding chemical and biological weapons. That proof may well exist. If it does, the administration should immediately take it to the Security Council to help convince skeptical friends and allies and to assist the inspectors in their disarmament work.

I remember when I was a student here in Washington at Georgetown University Law School at the time of the

Cuban missile crisis. President Kennedy sent his Ambassador, Adlai Stevenson, to the chambers of the United Nations. He held up irrefutable proof of the missiles being put in Cuba by the then Soviet Union. With that proof, the world rallied around the United States.

We have to remember how missteps can create more problems. The situation in North Korea today illustrates how a dangerous situation can quickly escalate unnecessarily. By taking options off the table, we are worse off today than we were a few months ago. After backing the United States into a corner, the White House is now discussing donations of food and fuel, an approach they ridiculed just a short time ago. We have to be more consistent.

Today, there are no U.N. inspectors monitoring the North Korean nuclear facilities. Tensions have dramatically increased, and we have serious disagreements with our Japanese and South Korean allies. Let us not make the same mistake in Iraq that history, both decades ago and more recently, has tried to teach us.

Saddam Hussein must be disarmed to the point that he is no longer a threat to his neighbors. U.N. resolutions must be respected and enforced. But these are matters of concern to the world, not just to the United States. We are part of the world, but we are not the whole world.

The U.N. inspectors need time to complete their work. It is divisive and damaging for the United States, having secured a Security Council resolution, two months later to short-circuit the U.N. process in the name of enforcing that same U.N. resolution.

To those officials in the White House and the Pentagon who would use the U.N. inspections as a mere excuse to justify unilateral military action, I say the same things as when I opposed the resolution authorizing the use of force that passed the Senate back in September: This Vermonter never has and never will give a blank check to this President or to any President to wage war.

The next weeks and months will be decisive. Let's hope the Iraqi Government fulfills its obligations and the inspectors finish the job in a manner that gives credibility to their conclusions, whatever those conclusions may be. Let's work with the U.N. Security Council and our allies to find a way forward.

Unlike his father a decade ago, this President has not built a broad coalition for military action. If diplomacy fails, I am confident we can win a military victory. After all, we have the most powerful military in the world. But acting unilaterally would be extremely costly. It would lead to a prolonged U.S. military occupation of Iraq, the expenditure of tens, even hundreds, of billions of dollars. It would damage our relations with key allies, and it would further inflame the anti-American extremism that is growing

throughout the Muslim world, extremism that threatens us more than anything else today.

It threatens us because even today terrorists plan their attacks within the United States, not in the Persian Gulf. We need the world to be with us. A broad-based coalition is indispensable for achieving long-term peace in the Persian Gulf and the Middle East, as well as our continuing efforts against international terrorism.

This war is not inevitable. We should not talk or act as if it is. But if war does come, let the United States be able to say we did everything we could to try to solve this another way; that we worked in concert with the United Nations; and that the U.N. was strengthened in the process. We must be convinced that war is justified; that the sacrifice of American lives can be justified; that America taking this step of a preemptive war can be justified not only today but, in history's eyes, decades from now.

I do not believe that threshold has yet been reached. So many of the American people do not. Our allies do not.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

#### HOMELAND SECURITY AND NATIONAL DEFENSE

Mr. ALLARD. Mr. President, following the attacks of September 11, many Americans found themselves feeling, perhaps for the first time, a sense of vulnerability. Terrorists had successfully infiltrated our country, hijacked four of our jetliners, and committed mass suicide. Using simple tactics and superb coordination, they singlehandedly changed the American mindset in a matter of minutes.

President Bush recognized that our way of life changed drastically on September 11. During an address to a joint session of Congress and the American people 9 days after the attacks, President Bush said the following:

On September 11, enemies of freedom committed an act of war against our country. Americans have known wars—but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war—but not at the center of a great city on a peaceful morning. Americans have known surprise attacks—but never before on thousands of civilians. All of this brought upon us in a single day—and night fell on a different world, a world where freedom itself is under attack.

For nearly 10 years prior to that, our country enjoyed unprecedented peace

and prosperity. The economy grew at an unbelievable rate. We were at peace with our neighbors. We focused on health-care, welfare, education, and other domestic priorities. The fall of the Soviet Union eliminated the threat to our Nation. Our defense budget shrank; our intelligence resources dwindled; and our homeland defenses remained virtually nonexistent. The biggest problem our military faced was not how best to invade Iraq, but how to keep enlisted families off food stamps.

Our mind simply was elsewhere. A number of blue-ribbon commissions tried to get our attention. The Bremer Commission pointed out the deficiencies of our intelligence collection efforts. The Gilmore Commission revealed how disconnected, disparate, and dysfunctional our homeland security efforts were. And, the Hart-Rudman Commission discussed how much our Federal Government needed to be restructured to better combat terrorism. Yet many of the recommendations from these commissions were pushed aside as being impractical, too expensive, or unnecessary. As it turns out, they were right, and on September 11, we paid the price.

Since that dreadful day, we have made considerable progress. We have rid Afghanistan of its terrorists-run government, disrupted terrorist operations around the world, and taken steps to improve our homeland defenses. I was pleased last November when the Congress, after 3 months of debate, approved legislation to create the Department of Homeland Security. This Department will pull together 22 agencies and nearly 200,000 Federal employees. It will not be an easy task. Tom Ridge, the new Secretary of the Department, will have his hands full for many years to come.

The Department of Defense has also taken a number of measures to improve our homeland defense. The establishment of Northern Command was a significant organizational step toward fighting terrorism at our borders. The new commander, Air Force Gen. Ed Eberhart, will be responsible for the defense of the United States, including land, aerospace and sea defenses. NORTHCOM will also provide military assistance to civil authorities, including crisis and subsequent consequence management operations should such assistance be necessary.

This past year the Congress went further when it created a new Assistant Secretary of Defense for Homeland Security within Department of Defense. The assistant secretary will be responsible for providing guidance and planning assistance to the various combatant commands, including NORTHCOM. The Senate Armed Services Committee, of which I am a member, held a hearing today on the President's nominee, Paul McHale, for this position.

Despite our efforts to build stronger homeland defenses, our country finds itself confronted by numerous threats on several different fronts. As we

speak, thousands of U.S. soldiers, sailors, and marines are being deployed around the globe in such remote places as Southeast Asia, the Persian Gulf, and the Horn of Africa. Just last week, 4,000 soldiers from Fort Carson, CO, were given orders to deploy overseas.

The war against global terrorism continues to require substantial resources and considerable foreign cooperation. The administration has made enormous progress in this area, but more remains to be done. Many al-Qaida operatives are at large, and several nations continue to support terror groups. We must remain vigilant and proactive if we are to prevent future terror attacks.

With regard to Iraq, as the President said during his state of the union address, Saddam Hussein continues to hide his weapons programs, despite an aggressive weapons inspection regime. To many, the 12,000 page Iraqi declaration given to the United Nations last December was duplicative of previous declarations and revealed little of value. It only served to highlight Saddam Hussein's determination to retain his weapons of mass destruction.

The reports earlier this week by the U.N.'s chief weapons inspectors, Hans Blix and Mohamed ElBaradei, further demonstrated that Iraq remains unwilling to give up its weapons programs. In his statement to the United Nation's Security Council, Hans Blix emphasized this point. He said,

Unlike South Africa, which decided on its own to eliminate its nuclear weapons and welcomed the inspection as a means of creating confidence in its disarmament, Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament which was demanded of it and which it needs to carry out to win the confidence of the world and to live in peace.

Iraq has hedged, delayed, and avoided complete disarmament for over a decade. There comes a time when diplomacy and sanctions become exercises in futility. There come a time when only military action will succeed where negotiations have repeatedly failed. There comes a time when the President of the United States, as leader of the free world, must say enough is enough.

Several press reports indicate that some U.S. allies, most notably France and Germany, may oppose military action against Iraq at this time. We should certainly take their thoughts into consideration. Our alliances should be both respected and preserved. At the same time, though, the President has an obligation to our country to do what is best for the United States—his primary responsibility is the safety and security of the American people. It is my hope that our friends and allies will recognize our determination to eliminate the threat posed by Iraq's weapons programs and support our efforts in the Persian Gulf.

Just as we prepare to confront Iraq's growing arsenal of destruction, we cannot ignore the threat posed by North Korea's nuclear and ballistic missile

programs. The Bush administration has sought to form a global consensus to deal with North Korea's WMD ambitions. Press reports indicate that the President wants the United Nations Security Council to deal with this threat to East Asia. I think this is a good first step.

In many ways, the North Korean issue is different from the situation involving Iraq. There haven't been any U.N. resolutions calling for the disarmament of North Korea, nor have North Korea's allies, China and Russia, shown much interest in resolving this issue. A global consensus is now beginning to form. Our allies in the region, South Korea and Japan, are only starting to realize the danger North Korea's WMD efforts pose to the region.

Five years ago, North Korea test-launched a three-stage ballistic missile over Japan that could have reached parts of the United States.

I think that is worth repeating.

Five years ago, North Korea test-launched a three-stage ballistic missile over Japan that could have reached parts of the United States.

This test ended a debate as to whether our country was vulnerable to ballistic missile attacks from countries of concern. It became of question of what we were going to do about it. Finally, after much debate, the Congress authorized in 1999 the development and deployment of a national missile defense system "as soon as it was technologically feasible."

Since President Bush's election in 2000, the Department of Defense has made considerable progress on a missile defense system. With additional funding and less restrictions, the Missile Defense Agency has launched a broad effort to evaluate all potential options for missile defense, including ground-based, sea-based, and even space-based defenses. The MDA now has a number of high-profile missile defense systems in development and is making progress in developing sophisticated sensors capable of detecting incoming missiles.

As the chairman of the Senate Armed Services Subcommittee on Strategic Programs and Operations, including missile defense, I have assisted the President in developing these systems. Last year, the Congress provided nearly \$8 billion for missile defense.

I am pleased that a number of projects are now nearing completion. The PAC-3, an enhanced version of the Patriot missile used during the Gulf War capable of intercepting short and medium-range ballistic missiles, has entered into production. The Army's Theater High-Altitude Air Defense—THAAD—a system to counter medium-range ballistic missiles, is nearing production. And, perhaps most significantly, the ground-based mid-course interceptor system, which provides the United States with a limited defense against ICBMs, is scheduled to be deployed in 2004, as announced by President Bush on December 17 of this past year.

Missile defense is not the only program that has received increased attention since President Bush's election. The DOD budget as a whole has grown substantially over the past 2 years. Last year, the Congress authorized over \$390 billion in funding the department, an increase of nearly \$40 billion from the year before. While much of this increase went to support our military operations overseas, some of this money was used to shore up our counter-terrorism efforts, improve our intelligence capabilities, and develop new technologies to counter the growing threats to our Nation. The department is expected to request similar funding for the upcoming fiscal year.

The President and the Congress have worked hard over the past 2 years to reduce the threats to our Nation and prevent future attacks. It has not been easy. Partisan politics, divergent personalities, and conflicting perspectives frequently interrupt the process.

I believe the President deserves much of the credit for this progress. He has stepped up and led our country in a very difficult time. His message has clearly resonated with the American people. Increased vigilance and enhanced security are essential in a time of uncertainty and perceived vulnerability. I share this message and will continue to work in the Senate to see that measures that are enacted actually increase the security of the American people.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, how much time have we remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. THOMAS. I thank the Chair.

## IRAQ

Mr. THOMAS. Mr. President, I recognize there has been a good deal of discussion in the last day or two with respect to Iraq; much of it, of course, as a result of the President's State of the Union Message the other evening, and, of course, it is a legitimate discussion about where we are with respect to Iraq and terrorism.

I believe the President's message was very complete. I thought he spelled out exactly what his plans are and the reasons for them. I think he has pursued the proper course over a period of time.

Certainly, there is no one here who wants to have to go to war. No one here wants active military intervention if that can be avoided. On the other hand, this is a progressive situation that has to be resolved, which started back in 1991, and has not yet been resolved. So



I think the only legitimate, reasonable course for us is to go through all we can to avoid military action, but if we do not get the results that need to be had, then that is our alternative.

I think we have been on the right course. And we are not finished. Certainly we are not finished. There is all kinds of evidence that things that were promised or ordered to be done have not been done.

I think one of the things we need to consider is times have changed. Times have changed since September 11. Years ago, when there were threats of war, what it involved, of course, was tanks and divisions landing and all kinds of very obvious military activities. Now the real threat is not that, it is terrorism; it is for things that could happen in this country similar to what happened on September 11—without all that preparation, without all that warning. It just happened in very terrible kinds of incidents. So I think in protecting our country, we need to understand the situation is quite different than it was.

There has been a great deal of talk about smoking guns. Frankly, I do not believe you need to see a smoking gun if you go back to the beginning of this whole enterprise. Go back to 1991, when there was a cease-fire arrangement after the gulf war, after Saddam had been driven out of the country he had invaded. And there was a legal basis for it. There was a cease-fire, an agreement, and a succeeding U.N. resolution which was the sound basis for our action in Iraq.

The Council Resolution 687 was adopted in 1991. At the heart of it was a disarmament obligation from Iraq. Then you remember we had inspectors there up until 1998. There was very little cooperation during all that time, and the evidence they had accumulated then is still available. This was all done under international supervision. But nothing was completed. There was not success in forcing Saddam to disarm. So that is where we are at this time.

I think the policy we have to take takes into account what should have been done, what has not been done—this irresponsible activity on the part of Iraq's leadership—and, therefore, we are in the position to have to be prepared to do whatever is necessary to make that happen.

I certainly hope that can happen. And I presume there is going to be some more time for inspectors. Hopefully, based now on another U.N. resolution, which, of course, was done in November of last year, we can put on more pressure to have him comply with that resolution.

The key to this situation, I hope everyone remembers, is to disarm—not necessarily to attack, not to go into Iraq if we can get disarmament. That, obviously, is the thing we are set up to do.

I believe we ought to continue to follow the vote we took in the Senate. I

think it was 77 votes supporting the President to do what he has to do.

Now there are suggestions of having to go back and do that again. I do not understand that, frankly. The basis for that vote is still the basis for where we are today. The authority there is the authority to finish the job that is very threatening to everyone and, indeed, must be completed.

I certainly support the President and his team in terms of trying to come to a resolution on this situation, being prepared to do what we have to do—hopefully, not having to do it—but to be sure we do everything we can to protect Americans, to protect the world, to establish the responsibility that countries have with respect to the U.N. If we are going to have a U.N., if we are going to have U.N. resolutions, then they should be enforced, and they should be expected to comply.

I believe that is where we are. All of us hope for the best and continue, I hope, to support the President to do what is necessary to protect us from another September 11.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GORDON ENGLAND TO BE DEPUTY SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and the Committee on Governmental Affairs is discharged from further consideration of the following nomination which the clerk will report.

The legislative clerk read the nomination of Gordon England, of Texas, to be Deputy Secretary, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes evenly divided on the nomination.

The Senator from Maine.

Ms. COLLINS. Mr. President, the Presiding Officer had the misfortune last night to be presiding when I presented the qualifications of Secretary Gordon England to be the Deputy Secretary of the new Department of Homeland Security. Unfortunately for the Presiding Officer, the vote did not

occur last night, so he is going to once again hear a little bit more about Secretary England. But since Gordon England is such an unusually well qualified candidate for this position, I will beg the indulgence of the Presiding Officer as I outline for my colleagues who were not here last evening his qualifications for this important post.

Last Wednesday, the Senate voted unanimously to confirm Tom Ridge to be the first Secretary of Homeland Security. Today, I am confident that the Senate will unanimously confirm Gordon England to be Secretary Ridge's Deputy at his side at the helm of this critical new Department.

The Department of Homeland Security opened its doors last Friday. Together, Secretary Ridge and Deputy Secretary England make a formidable team to chart the new Department on a course to protecting our Nation from the threat of terrorist attacks.

As President Bush has said:

Our enemy is smart and resolute, [but] we are smarter and more resolute.

Part of our resolve must be to place the best possible leaders in charge of the new Department of Homeland Security. Gordon England is such a leader. The Committee on Governmental Affairs, which I have the honor of chairing, thoroughly considered his nomination. We held a hearing last Friday. The nominee also responded to extensive prehearing questions. And yesterday the committee unanimously agreed to discharge the nomination to expedite floor consideration.

Gordon England is extraordinarily well qualified for this important post. He currently serves as Secretary of the Navy, a position he has held since May 2001. Moreover, he came to the Navy with an impressive portfolio of management experience. He served as executive vice president of General Dynamics and he was responsible for two major sectors of the corporation: Information systems, and international affairs.

Earlier in his career, he served in various executive capacities at a number of divisions of General Dynamics. But as preparation for becoming the Deputy Secretary of Homeland Security, it would be difficult to beat a tour as the Secretary of the Department of the Navy. As Secretary, Gordon England headed a department with a budget of over \$100 billion and consisting of 462,000 sailors and 212,000 marines.

The Department of Homeland Security, which we often describe as a massive new Department, will bring together a civilian workforce of about 170,000 individuals. The Secretary of the Navy not only had many more military employees to supervise, but he had a civilian workforce of 190,000 employees.

Secretary England's extensive experience in managing large complex operations in both the private and public sectors will serve him well as the Deputy Secretary of the new Department.

Moreover, Secretary England brings a complete understanding of the Department of Defense which will prove invaluable in developing the appropriate communications links and levels of coordination between the Department of Defense and the Department of Homeland Security.

The Department of Defense recently established the U.S. Northern Command, or NORCOM, to oversee and further develop land, aerospace, and sea-based military defenses of our homeland. It has also established a new Assistant Secretary of Homeland Security. So it will be critical for the Department of Homeland Security to have a good relationship with the Department of Defense and very good coordination between the two Departments as each performs its mission in defense of our homeland.

Secretary England's knowledge will help ensure that the two Departments work as a team and not at cross-purposes. In short, I believe Secretary England is uniquely qualified for this important job. We are extremely fortunate as a nation to have two such highly qualified individuals as Secretary Tom Ridge and Deputy Secretary Gordon England at the helm of this critical new Department.

I urge my colleagues to join in supporting this important nomination.

Seeing no one seeking the floor, I suggest the absence of a quorum and ask unanimous consent that the time be assigned equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise today in support of the nomination of Secretary Gordon England to the position of Deputy Secretary of the Department of Homeland Security. Secretary England has earned my appreciation and respect as Secretary of the Navy. We have met in oversight hearings conducted by the Senate Armed Services Committee on which I serve, and by the Airland Subcommittee I have been privileged to chair.

Based on that experience, I have no doubt but that Secretary England will make a highly honorable and effective Deputy Secretary of Homeland Security. His qualifications are not in question, nor is his dedication. Throughout his entire professional career, Secretary England has demonstrated a unique readiness, willingness, and ability to help make America safer.

However, as I have said repeatedly, it will not be enough for this Department to be led by public servants with good judgment, strong experience, and in-depth expertise in homeland security. Of course, that helps tremendously. But more important than the quality

of the officers is the quality of the orders, and in my view, since September 11, the Bush administration has not proven itself bold enough, aggressive enough, or visionary enough to make America significantly safer.

Let me give you three quick examples.

First, intelligence. This administration's failure to confront, much less fix, the fundamental problems that plague our intelligence community has been discouraging, disappointing, and I believe potentially dangerous.

I am, of course pleased that the President, in his State of the Union address, announced his support for the creation of a Terrorism Threat Information Center. For many months now, I and other members of the Senate have been proposing a similar analysis center as a way of addressing one of the most glaring weaknesses in our domestic defenses exposed by the September 11 terrorist attacks. This new center will be the place where the dots are connected, to give our Government a better chance of uncovering terrorist threats and preventing attacks. I am glad that the Administration has finally agreed this is critical to our ability to better protect the American people, though I must admit my frustration that it has taken this long for the President to awaken to the wisdom of this solution.

During the debate over the Department of Homeland Security, I proposed creation of an independent Intelligence Directorate, under the Secretary of Homeland Security, to be staffed by analysts on loan from the FBI, CIA, and other intelligence agencies, and given maximum access to the information about all terrorist threats collected by those agencies. Its purpose would be clear, to connect the dots and overcome the failures to share intelligence that surely contributed to the successful terrorist attacks on our country.

Unfortunately, the President opposed that approach. Instead, the administration insisted on focusing the Department's intelligence center on protecting critical infrastructure, rather than on performing analysis primarily designed to preempt and disrupt attacks before they occur. In the end, a compromise was reached: creating a single directorate that would analyze all terrorist threats as well as assess vulnerabilities to the infrastructure. However, until the President's State of the Union Address, the administration has insisted on implementing its original concept of infrastructure protection.

But there is still serious reason for concern. The President said Tuesday night the new analysis center would answer to the Director of Central Intelligence and would be composed of analytical units from the FBI and the CIA. But Congress's clear intent was that he should create a strong Directorate to "connect the dots" within the Department of Homeland Security. Historic

rivalries among the CIA, FBI, and other intelligence agencies are a major problem we must overcome. Placing this fusion center in the new Department would ensure analysis from an independent entity outside of the existing rivalries. The President's approach perpetuates a major part of the problem. Though I am glad he has finally agreed that we need a single Terrorist Threat Information Center, the President has been altogether too reluctant to challenge the status quo in the intelligence community and the FBI.

Second, the role of the military. As Secretary England understands well, our armed forces have tremendous resources. There are 1.3 million people on active military duty, most of them in the United States, and about 900,000 members of our Reserves and Guard. That's 2.2 million defense personnel. We expect the Department of Homeland Security to employ about 170,000 people.

Taxpayers will invest almost \$393 billion this year, money well spent, in their Department of Defense. The new homeland defense department will probably have a budget, and total resources, about one tenth that.

Now, of course, our military's principal activities will be and must be outside our borders. As we are learning in the effort to disarm Iraq, we need our forces to be strong. We need them to be flexible. We need them to be ready at any time.

But I believe at the same time we can and must use some of our defense assets more effectively here at home. Our Department of Defense has trained, disciplined, cohesive units with more experience in responding to crisis, more technology, and more expertise in dealing with chemical, biological, nuclear, and radiological weapons, than anybody else in government. It has created a new northern command to defend the United States. In this new kind of war taking place on a homeland battlefield, we must use all those resources optimally.

I've put forward some ideas on how to do that, primarily by applying some of the expertise and experience of our National Guard. I hope the administration engages in this discussion and comes forward with some ideas of its own. Secretary England's experience will make him an invaluable contributor to this discussion.

Third, let me briefly discuss the role of the private sector.

"United we stand, divided we fall" is not a cliché. In the case of the war against terrorism, it is a truism, and a warning for us all to heed. This war cannot be won by Government alone. We must be one Nation under collaboration, one Nation under cooperation. I hope Secretary England, who has extensive experience as an engineer and executive in the aerospace industry, is ready to think creatively about how best to engage private industry to better protect us from terrorism, because

in the past 16 months, the Bush administration has been far too passive on this front.

We are paying a price for that passivity. According to a report issued by the Council on Competitiveness in December, the vast majority of U.S. corporate executives do not see their companies as potential targets of terrorism. Only 53 percent of survey respondents indicated that they had made any increased security investments between 2001 and 2002.

And most of the security changes in the past year in the private sector have focused on "guards, gates and guns", in other words, on protecting the physical security of buildings alone. Despite 80 percent of the respondents to the Council's survey indicating they had conducted vulnerability assessments related to their physical plants, barely half have studied the vulnerabilities in their telephone and shipping networks, electric power supplies, and supplier companies, and even fewer companies had made any changes based on these assessments.

With 85 percent of our critical infrastructure owned by the private sector, this slow action ought to be a national concern, and correcting it ought to be a national priority.

Another area I believe we should instantly expect more productive public-private partnerships in is vaccine development. I am pleased that the President has now acknowledged the need to build new shields to protect ourselves from the deadly bioterror arrows that our enemies may use against us. This is an urgent priority that our Government has let languish for far too long.

Unfortunately, the administration's approach to developing medicines to protect us against a bioterror attack has been too narrow, too conventional, too slow, and too small to rise to this urgent challenge. Respectfully, the new initiative announced by the President, what we know about it today, seems to be more of the same. So far, the administration has addressed this problem by providing funding for basic research by academics. But that is not the only thing we need to do to swiftly develop breakthrough new medicines that we can stockpile and deploy.

To do this the right way, we also need to engage our ingenious private sector, the biotechnology and pharmaceutical industries, which have so far shown no interest in this research. Today, even if the academic scientists find a promising lead, there is no company ready to move that antidote or medicine from concept to product, from laboratory to bedside.

Back in December of 2001 I introduced legislation, now cosponsored by Senator HATCH, S. 3148, to provide incentives to private companies to take up and accelerate this vital research.

The BioShield program apparently adopts one of the ideas from our bill, to provide a guaranteed purchase fund for needed medicines. That is good news, and I am glad the President has seen

the wisdom of this approach. I have said for more than a year that we can't expect these private companies to commit themselves to this R&D if they cannot determine the scope and terms of the market that might await them.

But based on the details the White House has released to date, BioShield does not incorporate any of the other incentives I have proposed, no tax incentives, no intellectual property protections, no liability protections, no incentives to develop research tools or construct manufacturing facilities. It is a bare and belated beginning on what we have to do to engage the private sector in this research.

We are in grave danger. The Defense Science Board estimated in 2000 that we have only 1 of the 57 diagnostics, vaccines and drugs we need to deal with the top 19 bioterror threats. In other words, if you do the math, we were less than 2 percent prepared. No progress has been made since then. The DSB said if we were to launch a major industrial development effort, we might be able to develop twenty of these countermeasures in 5 years and thirty in 10 years. The President's announcement of \$600 million in funding over 10 years won't begin to address this massive and threatening gap.

The administration's failure on this front is, in my view, part of a general myopia. The President seems unwilling to enlist every sector and segment of society to do its part to help us win the war against terrorism. But Americans want to contribute. They want to know what they can do for their country. This would have been the perfect place for the President to pave the way to a new, productive partnership between Government and the private sector. But, regrettably, he has missed the opportunity.

I have put forward a comprehensive proposal to ignite private development of the countermeasures we will need to protect ourselves from the dozens and dozens of bioterror agents that might be used against us. Those medicines, antidotes, and vaccines won't materialize by accident. Getting that done will take leadership from Washington.

Let me conclude by saying that I appreciate Secretary England's commitment to serve. The country appreciates his public and private service over the course of the last 40 years, and values his experience, expertise, and management skill which will be focused on this urgent new challenge.

I look forward to partnering with soon to be Deputy Secretary England and Secretary Ridge, but I also look forward to pushing and prodding this administration, which has so far moved too slowly and cautiously in closing our dramatic homeland security vulnerabilities.

Ms. COLLINS. Mr. President, I ask unanimous consent—I know we have the vote ordered for 2:50 p.m.—that the Senator from Virginia have 2 minutes.

Mrs. BOXER. Reserving the right to object, I have an airplane to catch. Can

the Senator withhold until after the vote?

Mr. WARNER. I will withhold until after the vote.

Mrs. BOXER. I so appreciate that.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gordon England, of Texas, to be Deputy Secretary of the Department of Homeland Security?

Ms. COLLINS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG) would vote "Aye."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—99

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kerry	Stevens
Corzine	Kohl	Sununu
Craig	Kyl	Talent
Crapo	Landrieu	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wyden

NOT VOTING—1

Lautenberg

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

Mr. WARNER. Mr. President, I rise today to commend the President for the selection of Gordon England for the post to which the Senate will confirm him soon in the newly created Department of Homeland Security.

I have had the privilege of working with Mr. England for some time now. Since he assumed the duties of Secretary of the Navy, we immediately became friends—because we had known

each other while he was in the private sector, but, of course, I having had the privilege of serving as Secretary of the Navy some many years before, we were sort of a band of brothers—those of us who are privileged to serve in the greatest Navy in the world, and particularly in the post as a civilian boss. We have worked together these many years.

I want the record to reflect the extraordinary qualifications of this nominee. The Navy will miss him. But duty calls so often. It did in this instance because the President and Secretary Ridge wanted to draw on someone who had a proven record of management capabilities. Gordon England exhibited that record while he was Secretary of the Navy. He will exhibit it as the hands-on operator of the management decisions in assisting the distinguished Secretary, Mr. Ridge.

I am very pleased with this nomination.

I want to mention just a few things about the distinguished career of this fine person.

He began his career with Honeywell Corporation working as an engineer on the Gemini space program before joining General Dynamics in 1966 as an avionics design engineer in the Fort Worth aircraft division. He also worked as a program manager with Litton Industries on the Navy's E-2C Hawkeye aircraft.

By coincidence, these are programs I worked on somewhat when I was Secretary, Under Secretary, and then, of course, while I have been here in the Senate serving now 25 years on the Senate Armed Services Committee.

He served as executive vice president of General Dynamics Corporation from 1997 until 2001 and was responsible for two major sectors of the corporation—first, information systems, and international.

Previously, he served as executive vice president of the Combat Systems Group, president of General Dynamics Fort Worth aircraft company. Before that, he served as president of General Dynamics land systems company producing land combat vehicles.

He has had this management experience, particularly in high-tech areas. Much of the Homeland Defense Department function will be going to the private sector, encouraging that private sector to design state-of-the-art and beyond—I stress “beyond”—technology to meet the many unknowns with which our Nation and other nations are confronted in this battle against worldwide terrorism.

Mr. England is a native of Baltimore. He graduated from the University of Maryland in 1961 with a bachelor's degree in electrical engineering. In 1975, he earned a master's degree in business administration from the M.J. Neeley School of Business at Texas Christian University. He served as a member of the Defense Science Board and was vice chairman of the National Research Council Committee on the Future of the U.S. Aerospace Industry.

It is an extraordinary record.

If I may say with the greatest respect to our President and to the new Secretary that his first Deputy, Gordon England, in the Department of Homeland Security, I think, can help avert what could come about as a tug of war between the Department of Homeland Security and the Department of Defense as it regards budget matters. Both have the highest priorities, properly accorded by our President, and indeed I think the Congress. Homeland defense is just starting. As their cash flow and appropriations come in, I hope they will be adequate to meet the needs of this new Department. If they are not, I hope we can find other means by which to finance those requirements. They should be given top priority financially and support-wise because they will guard us here at home—augmenting what is in place already by way of the National Guard, the North Command and the other commands of the Department of Defense—many other things that are in place in bringing together the various and disparate agencies and departments and put them under this one head.

I am going to be ever watchful—and I think my good friend, Gordon England, likewise—to advise the Secretary of Defense and to advise the Secretary of Homeland Security. We cannot ever witness a budget war between these two strong and powerful and vitally needed Departments. Gordon England is eminently qualified to see that doesn't happen. Homeland defense starts beyond our shores in the forward-deployed positions of the men and women of the Armed Forces all over the world.

For example, on the battlefields of Afghanistan, we have made great progress.

I had the privilege just this morning of meeting with General Franks to talk about the progress he has made and the challenges that remain in Afghanistan. But he has, in large measure, achieved a goal of stemming the flow of terrorism from that troubled piece of land to other places in the world and will continue to fight that battle.

That is the clearest example I can give right now of where we have to stop terrorism before it comes to our borders. Hopefully, it can be interdicted there and certainly interdicted before it gets into hometowns in America.

Those two Departments must be adequately funded because they will work together to protect this great Nation.

I wish my old friend good luck, fair winds, and flowing seas, as we say in the Navy. He is eminently qualified to take on this position.

I thank the Chair.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kentucky.

#### MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLEAR SKIES LEGISLATION

Mr. JEFFORDS. Mr. President, during his State of the Union speech, President Bush said that he has,

sent to us [Congress] his Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years.

What he did not say is that the present Clean Air Act, according to EPA, will do a better and faster job of reducing emissions than his proposal. It will do all that without eliminating vital air quality protections as proposed in the President's Clear Skies bill.

What he did not say is that the proposal's timeline does not work with the Clean Air Act's. It stalls and delays present State and general efforts to achieve air quality standards and it also ignores global warming.

Worse yet, the President's proposal would contribute to the premature death of tens of thousands of people who we could otherwise save by full and faithful implementation of the present Clean Air Act. Under his plan, there will be more areas struggling longer to achieve attainment of air quality standards.

In 2001, large power plants were responsible for emissions of 10.6 million tons of sulfur dioxide, SO<sub>x</sub> and 4.1 million tons of nitrogen oxides, NO<sub>x</sub>. That is 33 percent and 25 percent less, respectively, from 1990 levels. But that is still far too much pollution going into our air, our lungs and falling onto our land.

These acid rain and smog causing pollutants contribute heavily to premature mortality, asthma and lung disease. They also continue the acidification of ecosystems in New England and elsewhere.

In 2001, EPA advised industry that the Clean Air Act at full implementation would likely require an 80 percent reduction in SO<sub>x</sub> and a 70 percent reduction in NO<sub>x</sub> from today's pollution levels. EPA also said that mercury, a potent neurotoxic pollutant, would have to be reduced by 90 percent.

EPA said these reductions would have to occur in 2008 for mercury, 2010 for NO<sub>x</sub>, and 2012 for SO<sub>x</sub>. The President's proposal hits none of these marks, and still takes 6 more years to even get close to the necessary reductions.

The proposal falls significantly short of Clean Air Act requirements. Senators can see a comparison outlined in this chart.

The President's proposal also falls short by approximately 1.4 billion tons

of carbon dioxide. That's the amount that should be reduced by the electric utility sector under our treaty commitment to try to reduce greenhouse gas emissions to 1990 levels. Clearly, we have failed.

Perhaps these shortfalls are why no Senators cosponsored the President's Clear Skies proposal when it was finally introduced last year. Perhaps the elimination of important State and local air protection authorities kept senators from supporting it.

Whatever the reason, the President's proposal had little or no public support. Yet, since January 20, 2001, the administration has had every opportunity to constructively engage with us and promote his Clear Skies proposal.

But, they did little or nothing. They certainly did not respond in a timely, helpful way to legitimate inquiries on its effects.

Instead, they spent their time figuring out ways to deregulate and to roll back air quality protections under the cloak and shadow of their three-pollutant initiative.

Perhaps now, as the 2004 elections get nearer and the administration as yet has no tangible and positive environmental achievements of its own, we can work together, I urge us to work together to make progress.

But, unless the Administration agrees to cooperate on information sharing and problem solving, we are going to get nowhere even faster. We cannot afford to change and we should not change the Clean Air Act without knowing the likely outcome of our actions.

Let's assume for a moment that we all want the same things. We want to stop acid rain. We want to reduce mercury-related fish contamination and birth defects. We want to start dealing with manmade global warming. Most importantly, we want cleaner, clearer air as soon as we can get it.

We can achieve all those goals in a four-pollutant bill. We can do even better than the Clean Air Act at full implementation if we have the will and the courage. But doing less than the Clean Air Act would provide is simply backsliding.

I will soon be introducing an alternative to the President's proposal with Senators COLLINS, LIEBERMAN and others. This legislation is a better and much more accurate response to the environmental and public health problems that our Nation faces.

In the coming days and weeks, I will take to the floor to discuss the need for strong legislation.

I will continue my efforts to obtain information that the administration continues to withhold. This regards the legal, public health and environmental effects of their deregulation efforts as well as their three-pollutant approach.

A detailed chronology of correspondence on our New Source Review requests appears in the RECORD of January 21st.

On Tuesday evening, the EPA Administrator called to tell me the President would speak on the Clear Skies proposal in the State of the Union. She said she hopes we can work together. I don't doubt Governor Whitman's sincerity. But, so far, "working together" on environmental policy has been an alien concept for this White House. Instead, they have left Congress, the States, the environmentalists, and the people, in a public relations haze.

Progress will be much easier and swifter if we can really work together honestly and without all the smoke and mirrors. That is the only way to approach these severe public health and environmental problems. That is why a four-pollutant bill is necessary.

I point to the chart and urge people to look at this chart which demonstrates very clearly what would happen if we leave things the way we are or if we put the "Clear Skies" in. We are much better off to leave the Clean Air Act where it is than we are to do anything. But we will be producing and bringing forward at a future time our four-pollutant bill, again, which will do even more than the present Clean Air Act and does not degrade or lessen the Clean Air Act.

I urge everyone to be very alert about what is going on in the environmental legislation because it could get better and save lives or it could knock it out.

I yield the floor.

#### DAVID HOPPE

Mr. DASCHLE. Mr. President, I want to take a moment to join many of my colleagues, Democrats and Republicans, to thank Dave Hoppe for his service to the Senate and to wish him well as he continues to pursue new opportunities.

One of the reasons we will miss Dave is because he exemplifies the best of the Senate—a place where we can find compromise, a place where we can disagree passionately, but one where we can do so honestly, and amicably.

From personal experience, I can tell you that Dave is a gifted negotiator, and, when necessary, a tough adversary.

But I can also tell you that much of what I admire about him—much of what we all admire about him—transcends his political skill, and his legislative prowess. It is his decency.

In 1997, Dave drew on his personal experience, and became integral in bringing the Individuals with Disabilities Education Act into being. In talking about the issue of disability in our society, Bob Dole once said, "some issues transcend politics, foster a bipartisan spirit, and result in legislation that makes a real and lasting difference."

Because of Dave, disability education is one of those issues.

And, as Dave leaves, I think we could modify Bob Dole's words. There are some people who transcend politics, foster a bipartisan spirit, and make a

real and lasting difference. Dave is one of those people.

So, Dave, I want to thank you, congratulate you, and wish you and Karen—and Katie and Geoffrey and Gregory—all the best in the years ahead.

Mr. ALLARD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ALLARD. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:26 p.m., recessed subject to the call of the Chair and reassembled at 6:59 p.m. when called to order by the Presiding Officer (Mr. CHAMBLISS).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the statements of Senators HARKIN and DURBIN be printed as in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JOHN W. SNOW

Mr. DURBIN. Mr. President, pursuant to that unanimous consent request, I would like to take the floor for a few moments and then yield to my friend Senator HARKIN.

This evening, we are considering the nomination of John Snow to be the Secretary of the Treasury. It is a very important position, one of the most important in the President's Cabinet. I have had the opportunity on two occasions now to sit down with Mr. Snow and discuss with him a number of issues, but in particular one that I would address this evening. After these conversations, I am happy to report I will be supporting his nomination as Secretary of the Treasury. He will have an awesome responsibility in this post. I hope he can rise to that challenge. His resume shows that he can and that he will serve our Nation with pride.

The particular issue which drew us together last night and again this evening is one that Senator HARKIN has been the leader on for many years. Literally millions of Americans have pension plans which they have worked long and hard to maintain in their place of employment. The traditional defined-benefit plan is one where someone works for a company for a certain number of years and the company promised that at retirement they would pay them a certain amount of money. That is the retirement plan with which most people are familiar. That is the basic and traditional approach. But over the years retirement plans have changed. They have become more like 401(k)s or savings plans or investment plans, and those are known

as cash-benefit plans. Some companies have decided to go with defined-benefit plans and some with cash-benefit plans. But many employees have been caught in the middle. Some started working for a company thinking they had a defined-benefit plan. Then the company at a later date says for a variety of reasons we are going to move to this other cash-balance plan. For some employees, it is a good choice. If you are a young worker in a company, and they come in and say, Listen, you don't know if you are going to be at this place the rest of your life; you may pick up and move to another job; would you rather have something like a cash-balance plan where you know how much money is there? It is invested. You can build it up over the years and move it with you from job to job. A lot of younger workers said, That is exactly what I want.

But the worker who has been on that job for longer periods of time has built up benefits under the defined-benefit plan may say, Wait a minute. Don't change the rules at this point. I am nearing retirement. I know what I was supposed to receive. I don't want to change the benefit plan at all.

Therein lies the dilemma. Some corporations have said to employees, You make the decision. Decide what is best for you. Stick with the old defined-benefit plan or move to the cash-balance plan. But it is your choice.

Frankly, from my point of view and Senator HARKIN's point of view, that is fair. Let the employee decide his fate. Let the employee decide what is best for him, for his family, and for his future. That is what we would like to see.

Frankly, that really was the law and the rule for so long, thanks to the hard work of Senator HARKIN of Iowa protecting the rights of employees.

A month ago, there was a shocking rule issued by the Treasury Department which basically said the corporations could wipe out defined-benefit plans and say to that employee of many years, Guess what. We have changed the rules. You are now in a cash plan.

I was at a press conference and met with some former IBM employees who went through that experience. It is really heartbreaking to hear what it meant to their families, and where they expected to end up generating some \$4,000 a month in retirement income is now going to generate about \$2,000. It means, frankly, the survivor benefits are sacrificed and a quality of life has been lost.

Senator HARKIN, myself, Congressman GEORGE MILLER of California, and Congressman BERNIE SANDERS of Vermont have really tried to dramatize this issue and this new proposed rule, and to say to the Treasury Department, For goodness sakes, treat these workers fairly. Don't force them into a plan that is going disadvantage them or their families.

We gathered together some signatures—I don't take any credit for it;

the work was done primarily by the two House leaders I just mentioned—over 226 signatures of Members of Congress in both the House and the Senate, saying to the President and the Treasury Department, Don't change the rules in midstream. Protect these employees.

Along comes the President's nominee for the Treasury Department, John Snow. Of course, he will be the man to make the ultimate decision on the rule and whether it will be fair to employees. Senator HARKIN and I sat down with him this evening and had a lengthy and very positive conversation.

John Snow comes to us from a career in private business where he has been a CEO of the CSX Railroad. He explained to us when his railroad decided to change pension plans, they left it up to the employees to decide. He thought that was a fair thing to do with his railroad. We think it is a fair thing to do for every company. He talked about other businesses he worked with where the same thing occurred.

He said to us he was going to be fair and objective, and he was going to take the rights of the worker into account for any rule related to future pension plans.

We talked about the fact that when it comes to Members of Congress, that is exactly the standard we followed when it came to our retirement. I guess it was 10, 12 years ago we decided to change the retirement plan. We went to individual Members of Congress and said, What do you choose? What is best for you and your family? That was our way. Should it not be the right of every American worker?

In a meeting with Senator HARKIN and myself, we decided to let this nominee go forward to give Mr. Snow an opportunity to become the Treasury Department Secretary and to use his values and corporate experience which he brings to the job not only to serve the Nation but to treat American workers and retirees fairly.

I want to especially thank Senator HARKIN. This is not the kind of issue likely to be on the front page of any newspaper, but it is the kind of issue that is likely to be front and center on the dining room table of American families who are genuinely concerned about their future. He fought a long and lonely battle on this issue. I was happy to support him. But he deserves credit for his leadership. The meeting with the new Treasury Secretary today points us in the right direction. We want to work with this Treasury Department and with this Secretary to be fair to workers across America.

I will support the nomination of John Snow for Treasury Secretary because I believe he brings the right values and the right corporate experience to this job. I am sure I am going to disagree with him on many issues. But on this particular issue, the assurances which he gave us this evening are the basis for us to go forward and approve his nomination.

At this point, I would like to yield to my leader on this issue, my colleague from Iowa, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend and colleague from across the Mississippi River in Illinois, Senator DURBIN, for the very kind and overly generous words. More than that, I thank him for his diligence and for his hard work on this issue which means so much to the average working person in America.

I will just say at the outset that Senator DURBIN has, I believe, correctly laid out the meeting we had with Mr. Snow earlier this evening, and has also correctly portrayed the assurances we got from Mr. Snow regarding this issue and how he would approach it as the new Secretary of the Treasury.

Again, I want to make it clear that the actions of this Senator earlier today and yesterday in wanting to have a bit of time here to talk about this before we voted on this nomination had nothing to do with Mr. Snow. I said that earlier this evening. This is nothing personal at all. He has a very distinguished career in the business community. He was head of the CSX Railroad, I guess for well over 20-some years, if I am not mistaken, and has served well on boards of schools, universities, John Hopkins, and others. In other words, he has been both a business leader and a community leader.

Again, I want to compliment him and commend him for his distinguished career and for his service both to his company and to our country.

I congratulate Mr. Snow on his nomination for Secretary of the Treasury and will join with my colleagues in supporting that nomination.

I feel, as Senator DURBIN said, that he gave us assurances on this issue—and I will talk more about this issue in a minute—dealing with pensions and workers' rights; that he will assure the fairness and equity as the rule. In fact, I wrote down exactly what Mr. Snow said. He said:

I believe we should protect the basic rights of workers. And, if a rule doesn't meet that test, it won't move forward. Fundamental fairness will be at the center of any policy.

I compliment Mr. Snow for that. As Senator DURBIN pointed out, as the CEO of the CSX Railroad, when they changed their plan over from a defined-benefit plan to a cash-balance plan, they left in place for older workers the defined-benefit plan. In other words, they could stay with that plan. Newer, younger workers could go with cash balance plans. To me, that really makes sense. That is really the way we ought to be going in this country when we talk about our pensions and protecting our pensions.

So my actions here yesterday and today have not been about Mr. Snow. They have been about this issue. It is an issue of fundamental fairness for people who work hard, play by the rules, and then find out—after working



20 or 30 years—that what they thought they were going to get has been taken away. So that is what this is about.

Over the last several days, I have been reading a book that was given to me last year. I had not gotten to it. I have now been reading it. I am almost finished with it. I recommend it highly. It is a book by Kevin Phillips called "Wealth and Democracy."

I remember in one part of the book he pointed out that over the last 30 years—I think from 1970 to about the year 2000—the difference in the compensation for our CEOs and the people who work on the shop floor, so to speak, has been that in 1972, the average CEO salary was about 42 times that of the average worker in that corporation. That was 1970—42 times; by the year 2000, that gap had widened to 417 times. In other words, today, the average CEO is getting 417 times the compensation of the average worker in that corporation. So that gap has widened tremendously.

Also what has happened is that we see, time and time and time again, that when CEOs of these large corporations hit a rough spot—the company maybe has a rough spot, the CEOs leave the corporation—they get wonderful golden parachutes. They get wonderful retirement programs. We have to have that same kind of fairness for the average workers.

In 2001, we passed numerous pension provisions that had wide support. Many provisions favored those making more than \$200,000 a year. I am not saying those provisions are bad, but we need some balance.

In the early 1990s, U.S. companies began a process of switching from defined benefit pension plans to cash balance plans. I am not going to get into the esoteric descriptions of defined benefits plans and cash balance plans, but only to say that many workers who affected by these changes had no idea what was happening to their pensions.

You might ask: Why has this all of a sudden come to the forefront in the year 2003? Well, it did not. I first drafted legislation in 1999, because by that time workers whose pensions had been changed in the early and mid-1990s, and who were now really facing retirement, all of a sudden woke up and found out that they did not have what they thought they would, and they had no recourse.

So, in 1999, I introduced a bill to make it illegal for corporations wear away the benefits of older workers during cash balance conversions. We had a vote on that bill in the Senate. I offered it as an amendment to the reconciliation bill, and a point of order was raised, so we had to vote to waive the point of order. 48 Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. Obviously, we did not have enough votes.

After that, more and more stories came out about how many workers were losing their pensions. In April of

2000, I offered a sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously. The Secretary of the Treasury put a moratorium on conversions from defined benefit plans to a cash balance plans. That moratorium has been in effect now for over three years.

Last month, a rule was proposed by the Treasury Department—a rule that would turn the clock back, undo the moratorium, and allow companies to once again engage in the practice of switching from defined benefit plans to cash balance plans and wear away the benefits of older workers.

So that is why I wanted to utilize this time and this nomination of Mr. Snow to be Secretary of the Treasury, to raise this issue once again and to talk with Mr. Snow about it as the incoming Secretary of the Treasury. We cannot permit this rule to just go forward. I think it was clear here in the Senate, in 2000, that we did not want that practice to continue. So I wanted to take this time to bring this issue to the forefront.

What are we talking about when we talk about how much people are losing in this? This morning, we had a press conference. We had a man there by the name of Larry Cutrone. He was one of thousands robbed of the full value of their earned pensions. He said that before AT&T converted his pension, it was valued at \$350,000. After the conversion, in July 1997, the value dropped to \$138,000. The calculation period for his pension was frozen at 1994–1996 salaries, so no value to his retirement account was added for any years he worked after the conversion.

So he said:

In September 2001, I was "downsized" out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just \$23,444 instead of the \$47,303 income under the old plan.

When these plans were changed over, workers were not informed that this could happen. They woke up one day and found out: they have less than 50 percent of what they thought they were going to get in their retirement.

Is that fair? Is that equitable?

Mr. President, I ask unanimous consent that this statement of Larry Cutrone that he gave this morning be printed in its entirety in the RECORD.

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

#### STATEMENT OF LARRY CUTRONE

My name is Larry Cutrone, one of thousands robbed of the full value of their earned pensions due to the "Cash Balance" pension conversion. Before AT&T converted my pension it was valued at \$350,000 and after the conversion in July 1997, the value dropped to \$138,000. Even with AT&T's "Special Update" enhancement to my account, the value only rose to \$150,000. The calculation period for my pension was frozen at 1994–1996 salaries, so no value to my retirement account was added for any years I worked after the conversion.

In September 2001, I was "downsized" out of AT&T and decided to take my pension. I discovered that it translated into an annual

income of just \$23,444 instead of the \$47,303 income under the old plan. This seems meager after 31 loyal years of service to the company. As a result, my wife was forced to waive her rights to the survivor benefits of my pension in the event I predecease her. Invoking these rights would have meant between 8% and 20% less per month. While my pension was reduced by more than half, my monthly contribution for medical benefits was increased five times this year.

As representatives of "AT&T Concerned Employees Council on Retirement Protection" (ACE CORP), we are willing to publicize our personal situation in order to bring to the forefront the negative impact of the forced cash balance pension on the older worker. We urge President Bush to support Congressman SANDERS, MILLER, Senator HARKIN, and their fellow representatives to revise his proposal to the IRS by including protection for the older worker and preventing them from becoming "Pension Challenged" by "Cash Imbalance"!

In President Bush's radio address this past Sunday he states "In 2003, we must work to strengthen our economy; improve access to affordable, high quality health care for all our seniors . . ." In his State of the Union Address, he urged Congress to pass his plan " . . . to strengthen our economy and help more Americans find jobs." (Assuming he makes these comments in his State of the Union Address on Tuesday.) We hope our efforts will convince President Bush that his IRS Proposal and the affect of the cash balance pension on the older worker further reduces consumer spending, and reduces tax revenue while causing our economy to continue suffering. We are aware of any negative impact to the corporations who convert to cash balance pension plans. Should the loyal worker and subsequently America's economy be penalized?

Mr. HARKIN. Mr. President, 189 Members of the House of Representatives and 25 Senators signed a letter that was sent today to President Bush, asking that we do not reopen the floodgates, that we withdraw this rule and promulgate a rule that is fair and equitable. As we said in our letter:

We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans.

The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees.

Often when companies switch from defined benefit plans to cash balance plans, a worker can work for 20 or 25 years, but the employer may not pay anything into your pension plan for several years. But they will contribute to a younger worker who has only been there for 2 years.

So let's understand this. You have two workers work for the same company, doing the same job. One gets extra wages in the form of a benefit of money put into a cash balance account. The other worker, who has been there 20 or 25 years, does not get it. That is age discrimination, pure and simple, in violation of Federal law. The only reason the one person is not getting it is because they have been there longer.

The younger worker gets the money; the older worker does not. That is age discrimination, pure and simple.

As we said in our letter:

[The proposed] regulations [from Treasury] would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

That is what happened to Larry Cutrone.

We write:

We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees pensions.

At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game . . . change midway through their careers.

I ask unanimous consent this letter, signed by 189 Members of the House and 25 Senators, be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,

Washington, DC, January 30, 2003.

The Hon. GEORGE W. BUSH,  
President of the United States,  
Washington, DC.

DEAR PRESIDENT BUSH: We are writing to strongly urge you to withdraw proposed Treasury Department regulations regarding cash balance pension plans and to issue new regulations that will prohibit profitable companies from reducing the pension benefits of existing employees or retirees by converting to age-discriminatory cash balance plans. (Federal Register, December 11, 2002, Internal Revenue Service, 26 CFR Part 1, REG-209500-86, REG-164464-02, RIN 1545-BA10, 1545-BB79.)

According to the General Accounting Office, annual pension benefits of older employees can drop by as much as 50 percent after a company converts from a traditional defined benefit plan to a cash balance plan. Large companies favor the conversion because they can save hundreds of millions of dollars a year in pension costs. Delta Airlines, for example, recently announced it would save \$500 million per year by switching to a cash balance plan. In the late 1990s, IBM initially estimated it would save \$200 million per year by switching to a cash balance plan. IBM, AT&T, and Verizon are among the 300 to 700 large companies that have already converted to a cash balance pension plan. An additional 300 companies had been waiting for IRS approval of their conversion plans even before the regulatory change was announced. Thousands of companies employing millions of people would be eligible to convert their pension plans under the proposed regulations.

Switching to a cash balance plan in midstream has the greatest negative effect on older employees who have worked for many years with one company and plan to continue to work for additional years for the same employer.

As you know, in September 1999, the IRS issued a moratorium on issuing letters of approval to companies for pension plan conversions because of age discrimination con-

cerns. There are over 800 age discrimination complaints currently pending before the EEOC based on cash balance conversions. The 1999 moratorium has nearly stopped the flow of companies converting to cash balance plans.

The recently proposed regulations would create an incentive for thousands of companies to convert to cash balance plans by providing legal protection against claims of age bias by older employees. The regulations would result in millions of older employees losing a significant portion of the annual pension they had been promised by their employer and had come to rely upon as part of their retirement planning.

We urge you to direct the Treasury Department to immediately withdraw these proposed regulations and instead issue regulations that provide for the protection of older employees' pensions.

At a time when millions of employees are still reeling from significant losses to their 401(k) retirement plans because of corporate scandals and the ongoing weakness in the stock market, we believe these regulations represent another serious blow to the retirement security of hard working Americans who have played by the rules in their companies only to see the rules of the game for rank and file employees change midway through their careers.

Re-opening the floodgates for cash balance conversions will destroy what is left of our private pension retirement system. This is a devastating step that your Administration need not and should not allow.

We deeply appreciate your attention to the concerns that we are expressing on behalf of the millions of employees who will depend on their pensions for a secure retirement. We look forward to working with you to protect the pension security of America's workers.

Sincerely,

Bernard Sanders, George Miller, Tom Harkin, Barbara Boxer, Tom Daschle, Nancy Pelosi, Edward Kennedy, Paul Sarbanes, Carl Levin, Christopher Dodd, Charles Schumer, Dianne Feinstein, Jon Corzine, James Jeffords, Mark Dayton, Patrick Leahy, Barbara Mikulski, Russell Feingold, Hillary Rodham Clinton, Maurice Hinchey, John McHugh, John Dingell, David Obey, Barney Frank, Tom Lantos, Paul Kanjorski, Lloyd Doggett, Robert Andrews, Jane Harman, David Price, Gene Green, Lucille Roybal-Allard, Rodney Alexander, James Clyburn, David Scott, Ike Skelton, Ed Pastor, Adam Smith, Gil Gulknecht, Ron Kind, James T. Walsh, Nick Lampson, Jay Inslee, Sherwood Boehlert.

Rahm Emanuel, Madeleine Bordallo, Rob Simmons, Solomon Ortiz, Sanford Bishop, Gregory Meeks, Steve Israel, Kendrick Meek, Steny Hoyer, Bob Etheridge, Artur Davis, Ruben Hinojosa, Mike Thompson, Brad Miller, Max Sandlin, Dutch C.A. Ruppersberger, Anibal Acevedo-Vila, Adam Schiff, Sander Levin, Michael Honda, Melvin L. Watt, Lincoln Davis, Marion Berry, Jim Cooper, Frank W. Ballance, Jr., Shelley Berkley, Chris Bell, Dennis A. Cardoza, Jack Quinn, Nick J. Rahall, II, Michael R. McNulty, Richard Gephardt, Timothy Bishop, Karen McCarthy, Raul Grijalva, Stephen Lynch, Ciro Rodriguez, Bart Gordon, Mike Ross, John Spratt, Robert Menendez, Virgil Goode, Jr., Denise Majette, Maxine Waters, Nita Lowey, Jim Moran, Charles Gonzalez, Joseph Hoeffel.

Jerry Costello, Sheila Jackson-Lee, Harold Ford, Jr., Bobby Rush, Tom Udall, Timothy Ryan, Thomas Allen, Elijah Cummings, Michael Michaud, Norman

Dicks, Robert Brady, Eddie Bernice Johnson, Jim Davis, Linda Sanchez, Vic Synder, William Jefferson, Tim Holden, Diane Watson, Carolyn Maloney, Lane Evans, Jesse Jackson, Jr., Robert Wexler, Anthony Weiner, Betty McCollum, William Lipinski, Peter Visclosky, Anna Eshoo, Steven Rothman, Darlene Hooley, Nydia Velazquez, Martin Olav Sabo, Gene Taylor, Ted Strickland, Danny Davis, Loretta Sanchez, Chaka Fattah, Grace Napolitano, John Lewis, Martin Meehan, Bart Stupak, Ellen Tauscher, Chris Van Hollen, Zoe Lofgren, Edward Markey, Collin Peterson, Henry Waxman, Michael Capuano, Diana DeGette.

Jerrold Nadler, Bill Pascrell, Albert Russell Wynn, Joseph Crowley, Gary Ackerman, Carolyn McCarthy, Gerald Kleczka, John Murtha, Donald Payne, Louise McIntosh Slaughter, Tammy Baldwin, John Conyers, Susan Davis, Neil Abercrombie, Mike McIntyre, Fortney Pete Stark, Hilda Solis, Bob Filner, Alcee Hastings, John Tierney, Jose Serrano, James Langevin, Frank Pallone, Earl Blumenauer, Juanita Millender-McDonald, Barbara Lee, Lynn Woolsey, Robert Scott, Rush Holt, James McGovern, Stephanie Tubbs Jones, John Oliver, Lois Capps, Sam Farr, Corrine Brown, Dale Kildee, Patrick Kennedy, William Delahunt, Edolphus Towns, Joe Baca, Elliot Engel, Silvestre Reyes, William Lacy Clay, Michael Doyle, Carolyn Kilpatrick, Sherrod Brown, Luis Guterrez, Janice Schakowsky.

Howard Berman, Bennie Thompson, Julia Carson, Mark Udall, Rosa DeLauro, Peter DeFazio, Martin Frost, Marcy Kaptur, Dennis Kucinich, Major Owens, Peter Deutsch, Eleanor Holmes Norton, James Oberstar, Jim McDermott, Rick Larsen, Donna Christensen, John D. Rockefeller IV, Maria Cantwell, Jack Reed, Harry Reid, Daniel Akaka, Richard Durbin, Frank Lautenberg, Debbie Stabenow, Christopher Smith, Daniel Inouye, Alan Mollohan, Ed Case, Bill Nelson.

Mr. HARKIN. We have right now over 1,000 cases pending before the Equal Employment Opportunity Commission, over 1,000 cases regarding age discrimination. These are cases of people who have had their retirement pensions, what they were promised, reduced like Larry Cutrone; 1,000 cases filed under age discrimination. I believe these cases have merit. They are going to go forward. They are going to go into Federal courts.

I want to make it very clear: I am not opposed to cash balance plans. Some cash balance plans can be very good. What I am opposed to is the unilateral decision of a company being able to change their plans and stop contributing to an employee's pension without their knowledge. That is what I am opposed to.

That is what this issue is all about. It is fairness. It is equity. I know sometimes when you get into pension laws, things like that, it sounds very convoluted. In essence, what some of these companies have been doing to these workers is nothing less than sheer thievery. They are able to save millions, in some cases hundreds of millions of dollars, by converting these

plans over, robbing—yes, I use the word “robbing”—their workers who have been loyal and hard working, robbing them of their rightful claims on future benefits, taking that money and giving it in higher benefits to the CEOs and the corporate executives, golden parachutes. It is not right. It is not fair.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. If you are hard working and loyal, companies value that. At least they used to. That is one of the reasons we had pension plans—the longer you worked there, the more benefit you had in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We valued that loyalty.

If companies are able to just change these plans, what kind of a signal does that send to the workers? It sends this signal: Don't be loyal. You are a fool if you are loyal because if you work here for 20 or 25 years, we can just change the rules of the game, and break our promise.

What it says to younger workers is: It would be crazy to work for this company for a long time. I will work here a couple years; I will move on.

It destroys the kind of work ethic we have come to value and that we know built this country. I also thought we valued fairness when it comes to workers. A deal is a deal. Let's say I wanted to hire you. I said: I will hire you for 5 years, pay you \$50,000 a year. But if you stay with me for 5 years, I will give you a \$50,000 bonus.

You say, OK, that is good. So now you work for me 3 years and you are thinking you have 2 more years to go and you will get that \$50,000 bonus. But at the end of the third year I come to you and say: Do you remember the deal we made where I said if you work for me for 5 years you will get that \$50,000 bonus? Well, the deal is off.

Well, now you have 3 years invested there. If you had known that the deal was going to be off, maybe you would not have gone to work for me. Maybe you would have gone to work someplace else. Is that the way we want to treat workers in this country, where I have all the cards and you have none, and I can make whatever deal I want, but I can change the rules any time I want to and take away your pension? That is what this is about.

Well, as Senator DURBIN said, I thought we had a good meeting with Mr. Snow. I am encouraged by the fact that, as a CEO of his corporation, when they changed their plans over, they left a choice for workers. That is the right and honorable way to do things. I compliment Mr. Snow for having done that. I am also assured that the rules of the game won't be changed in the middle. In other words, there is a moratorium on right now, and I am assured that the moratorium will stay on at least until a final rule is promulgated.

Mr. Snow has said he would agree to meet with people—employers, representatives of labor groups, representatives of elderly groups—to get their input on this approach and, hopefully, on perhaps having a new rule.

I want to make it clear this Senator will continue to press for the Treasury Department—when Mr. Snow gets confirmed and sworn in—to withdraw that rule. He has the power to do it as Secretary of the Treasury—withdraw the proposed rule and come out with a new one that more closely reflects what he had done as a CEO of a corporation earlier on when they changed their plans over. That is the fair way to do it. This is an issue that is not going to go away. Again, I think more and more working Americans are beginning to find out their hard work and loyalty is being taken away and they have no voice. Well, that is what we are here for, to help protect these people, and to make sure their voice is heard and to make sure the pensions they have built up over a long period of time over their working years is not unilaterally taken away by the companies for whom they worked.

Again, I have no intention of holding up Mr. Snow's nomination at all. As I said, my only intention in doing this was to raise this issue up, to make sure Mr. Snow understood the depth of our feelings about it, the history in the Senate that we had passed a sense-of-the-Senate resolution unanimously in 2000, and that there are a lot of strong feelings nationally—just witness the 1,000 cases now pending before the EEOC, plus the fact that there are now about 300 filings right now before the IRS, Internal Revenue Service, by companies wanting to engage in this practice—change from defined benefit plans, to cash balance plans, without protecting the rights of the workers. I have estimated, roughly, that this represents several hundred thousand workers in this country who would be affected by this.

We need to send a clear and strong signal that we are not going to allow this to happen. If companies want to change plans, fine; but give the workers the choice to stick with the plan they have had or to take the new one. That is all we are asking for.

Mr. President, again, I congratulate Mr. Snow on his selection to be Secretary of the Treasury. I look forward to working with him. I thank him for his distinguished career, and I hope he is able to bring to the position that he will assume shortly the philosophy he had when he was the CEO of CSX Rail, and the kind of implementation of the change in their pension plans will be the kind of philosophy that we will have now at the Department of the Treasury.

Every worker in this country ought to have the right to choose just like the workers at CSX had under Mr. Snow. Again, I look forward to working with Mr. Snow on this issue. I hope we can get a fair resolution of this in the days and weeks to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HIV/AIDS

Mr. FRIST. Mr. President, for a few moments before closing tonight—and we have had a very productive day and we will make the more formal announcements in about 15 minutes or so—I take a few moments addressing an issue that means a lot to me, personally, and to take a moment to reflect upon an announcement that the President made at the State of the Union two nights ago.

It has to do with a little virus, called HIV/AIDS virus, and the devastation it has wrought on individuals, most importantly, but also communities and villages and counties and States and countries and continents and, indeed, the whole world.

Once a year I have a wonderful opportunity to travel to Africa as part of a medical mission team. I travel not as a Senator, but I have the opportunity to travel as a physician. Last January, on one of these medical mission trips, I treated patients in villages and in clinics and a number of countries in Africa, including the Sudan, Uganda, Tanzania, and Kenya. Many of the patients I dealt with were infected with HIV/AIDS virus. This little tiny virus, a microorganism, causes this disease we all know as AIDS.

I think back to a number of patients. In Arusha, in the slums, conditions are crowded, but as you walk through these very crowded slums, the people there are very proud. While there, I visited with a young woman by the name of Tabu. She lived in a small—by small I mean one room, probably 8 feet by 8 feet—stick-framed mud hut. I remember walking in there, as my eyes adjusted, and seeing a very beautiful woman, 28 years old, sitting on the edge of the bed—a human smile. And on the walls behind her, to keep moisture out, were newspapers plastered on the walls. Again, things neat and clean, but a very small hut which was her home—a woman with a broad smile who was obviously sick, and very sick, meaning she would die in the next week to 2 weeks.

She lived in this, her home, with her 11-year-old daughter, Adija, whom I also met, although her other children

did not live with them in that hut because Tabu was so ill and so sick that she simply couldn't physically manage having the other children there. As she explained her story to me—again, I was the physician from America who came to be with her—her story was one she was a little bit embarrassed about because she literally had to send her children away because of her disability—her physical disability, due to this little tiny virus—to send them away to live with her mother who could take care of her children.

I mentioned her smile. As my eyes adjusted, I saw that she was indeed wasted, thin and sick, but her eyes and her smile were full of hope. That smile in many ways hid the pain of that illness, the pain of having to send her children away. The next day, she left her hut and she was going to go live with her mother for the last few days of her life, to die in her childhood home.

Tabu told me she was one of four sisters, all of whom had HIV/AIDS. All had been infected with the virus. Musuli, a sister 20 years old, who lived with her mom; Zbidanya, 15 years of age; and an older sister, Omeut, who had already died.

Tabu died the next week. But she didn't have to. If we do our job and if we follow the bold leadership as spelled out by the President of the United States, we can cure this disease, a disease that is destroying nations—indeed, destroying a continent, and mercilessly and relentlessly spreading throughout the world—Russia and China and the Caribbean.

That face of Tabu, there in Arusha, in that home, is indeed the face of AIDS in Africa and in nations around the world.

The little tiny virus is not all that different from the viruses I am quite accustomed to treating in the population I treated before coming to the Senate, that can tear apart individuals, but this virus is different in that it is smarter. It is more cagey than other viruses. But it is still just a little microorganism that is wiping out these continents, a little tiny virus. It is ravaging families. It is causing mass destruction, this little tiny virus. It is ravaging societies. It is ravaging economies. It is ravaging countries. And, indeed, it is ravaging whole continents. To my mind, there is no greater challenge, morally or physically, facing the global health community today than this global health crisis.

The other interesting thing about it is, it is new. Usually if you have something this devastating, you think it has a long history and has grown over the years and over the centuries. But it is new. When I was in medical school, we had never heard of an HIV virus; we had never heard of the disease called AIDS. I am not that old; 1981 was the first time in this country we were smart enough to figure out that there is this little HIV virus that causes AIDS—1981. That is 22 years ago.

But since that pandemic—epidemic means a disease spreading in one part of the world. A pandemic is just that, it is spreading all over the world. That is where the “pan” in pandemic comes from. Since 1981, more than 60 million people have been infected with this little virus that wasn't around 23 years ago. That is basically the population of the great State of New York times 3. Twenty-three million people have died from this little tiny virus. And we are losing the battle. We are fighting it, but it is a battle we are losing as we go forward.

For every one person who has died since I was in medical school, say, since 1981 when we first discovered it in this country, for every one person who has died in the last 20 years, in the best of all worlds, if we do everything perfectly, we do everything right, for every one person who died in the last 20 years, two people are going to die in the next 20. That is in the best of all worlds.

Why is that? Because there is no cure for this virus. People hear me talk on this floor a lot about vaccines, saying we need to protect the infrastructure and fight bioterrorism with these vaccines. We do not have a vaccine for this little tiny virus. So we have no cure. We have no vaccine to prevent it. As I said earlier, this little virus is smart. Whenever we have a therapy that works pretty well, the little virus changes itself—probably 1,000 times faster than other viruses—so it will defy that treatment. Every time we get a treatment, it changes itself. It is a cagey virus.

The virus causes AIDS. AIDS is the disease, the manifestation. Tabu, being wasted and thin—the virus itself is what causes it. What do we know about the disease itself? Whom does it hit? Put aside perceptions, the stigma of AIDS. Put them aside. Let me tell you about the virus. The virus hits young people. Eight hundred thousand children were infected in 2002. Young people account for 60 percent of the new HIV infections each year. Worldwide, 13 million people have been orphaned by AIDS. Most of them are, indeed, in Africa. When you are orphaned by AIDS; you are left without mentors; you are left without parents; you are left without a supportive structure; you are left without the support we have in other, more advantaged, countries.

As I go to Africa on these mission trips—again, I go down as a physician—you have the opportunity to go walking through villages. Nothing really can prepare you for walking through a village and looking at the people in the homes. You see very old people—not very old, but old for the society there—people in their seventies, sixties, fifties. Then you see just little kids running around. What you do not see are people 20 years of age, to 35, to 40 years of age. It is almost like this whole segment of the population has been wiped out—old people and young people, but nobody in their productive years.

That is what you see if you go to Nairobi and you walk through the Kibera slums, which go on, it seems, forever. When you walk through the slums, you don't see people in their most productive years.

Entire generations are being wiped out, and kids are growing up in the streets with no parents and no mentors. And that all translates down into no hope.

What is fascinating is that we have the power to bring them hope. That is why I get excited when the President thinks big. And he articulated that in the State of the Union speech. It is thinking big because we have the power to bring them hope. We must ask ourselves, How can we, since we have that power, not use that power?

Most people do not realize the disease of AIDS caused by the virus is today a disease of predominantly women. It is just not part of what we historically have pictured what this disease is all about. More than half of all the people now infected with AIDS are women.

With AIDS on a rampage through the villages of sub-Saharan Africa, life expectancy in Africa is now 47 years of age. I wouldn't be alive at 47 years of age.

What is interesting is, what increment is due to this little, tiny virus? If the HIV virus had never appeared over the last 20 years, instead of living 47 years you would live 62 years—just because of this little virus.

If you are born in Botswana, you are not going to live to 47 years, or 45, or 43, or 42, or 41. You may live to the age of 38. Average life expectancy, if you are born in Botswana today, is 38 years of age because of this single little virus wiping out people, destroying people, killing people in their most productive years.

In 2005, in Zimbabwe, 20 percent of its workforce will be wiped out due to AIDS. Death is tragic enough. Taking this productive segment of society, very quickly you have to ask yourself, with that productive segment as parents and with the infrastructure of civil society disappearing, what happens to the children who are left behind? Who will feed the children? Who will mentor those children?

Law enforcement is being wiped out, and teachers are being wiped out. Kenya has reported in recent years as many as 75 percent of the deaths in law enforcement, in its police force, are AIDS-related. In civil society the potential for disruption is obvious.

If you look at what this little tiny virus incrementally does to the economy of these countries, we see we can give unlimited aid and money, but unless we defeat this little virus, the economies are not going to grow; they are going to diminish. If you look at those countries where the prevalent rates are about 20 percent or so—which is, in medical terms, significant penetration, but not unusual for Africa—the economy doesn't grow but drops

2.6 percent a year because of the HIV/AIDS virus. Why? Because you wipe out the most productive people in that society. We see poor countries growing poorer because of the virus, not just financially, which is how we measure gross domestic product, but spiritually. The hopelessness, the helplessness that comes from this little virus, all of a sudden becomes the norm.

What is the role of the United States of America, especially in light of the President's pronouncement the other night? Historically we have much to be proud of. I think we need to add that, because we read about people from other countries and people associated with the United States who have never stepped to the plate. I want to disabuse my colleagues and people who are listening. The United States has already done much to combat global HIV/AIDS in terms of research, and in terms of financial investment, both unilaterally and bilaterally. You hear about the Global Fund on AIDS, Tuberculosis and Malaria—an important fund, a new fund, that hasn't yet been proven. But it becomes sort of the marker in many people's minds of what we are contributing. In truth, it is one part of a huge battle—a lot of resources that were actually invested in fighting AIDS, but in terms of that Global Fund on AIDS, Tuberculosis and Malaria, the United States was the first donor under President Bush. In a second round of financing, we once again were the first donor to that fund. Before the President's announcement, we were that global fund's largest donor. We placed \$500 million, more than any other nation. That is a quarter of all the pledges. The next closest country hasn't even matched half of our commitment.

I say that because I am offended when people say the United States simply has not stepped to the plate.

Just as impressive is the speed with which we have addressed this issue historically. We ramped up funding dramatically in both direct aid, bilateral aid, and global fund money.

Total funding in 1999 was \$154 million. Remember, the President two nights ago was talking about billions of dollars. Just 4 years ago we spent totally \$159 million. In the last 4 years, there has been an eightfold increase, up to about \$1.2 billion. Indeed, the United States is today leading—even before the President's announcement—the global fight against HIV/AIDS. I think we can be proud of that. But—and is where the President's announcement came—we can do more. I believe in support of what the President has said from a moral standpoint, we can and should and will do more.

I mentioned we are losing the battle. Every 10 seconds somebody dies of the infection. But in that same 10 seconds there are two new infections. Remember that we have no cure. That is right now. That shows there is so much to be done. Each death and each new infection is one more tragic battle lost in the war against this killer virus.

I think, I know, that we have a moral obligation and a human requirement to provide more resources to fully enter the big war to win the battle one person at a time. Those resources must be managed and monitored so they get to those people who we intend to help. The process must be transparent. I know that the President, because he has told me personally and in meetings many times, wants to invest that money making sure we get results; that the money is used wisely with focus, that it is used transparently, and that we measure the results we set out to achieve.

I think also we in this body need to summon the commitment of all Americans to be soldiers in this war in whatever way they possibly can. I say that only because as elected officials, although we know it is the right thing to do and morally the most powerful thing to do, some constituents around the country ask, Why in the world are you investing in a disease that, yes, affects the world but is predominantly a continent so far away?

One of the reasons I am carrying on this discussion tonight is because I think each of us has an obligation—has an opportunity but also an obligation—to help educate not just our colleagues and people in Congress but people all across America. We need to do that every day in speeches—every time I go back to Tennessee or my colleagues go back to Nevada or South Dakota or Georgia or California. We have made a lot of progress in the last couple of years. With the President's announcement in the State of the Union Address, I believe we are on the cusp of a truly historic leaf that I believe can turn the tide of this devastating disease, if we will start saving lives and also instilling hope.

Over the past 2 years, Senator KERRY and I, with a bipartisan group of Senators, have constructed and put together what I believe is a significant bill that addresses this little, tiny virus—this cagey virus that is causing this mass destruction—and which addresses the moral challenge this virus represents. The legislation will be discussed in the Foreign Relations Committee next week, led by the Senator from Indiana, chairman of that committee, Senator LUGAR. I hope this bill becomes the legislative counterpart to President Bush's bold initiative.

The President has pledged more resources, significantly more resources, a tripling in funding. He has proposed an emergency plan, and he has used—this may be the most significant thing—the bully pulpit to rally a great Nation to this noble cause. He sets the gold standard for humanitarian efforts for the United States but also for the world. I know he has personally committed to achieving results. His proposal, once our bill is acted upon, will prevent 7 million of these new infections, will provide the antiretroviral drugs for 2 million HIV-infected people, will care for 10 million HIV-infected in-

dividuals and AIDS orphans, and will provide \$15 billion—\$15 billion—in funding over the next 5 years.

I should also add that, as a government, we cannot do it alone. Even single leaders cannot do it alone. Even what this body does cannot do it alone.

It is truly remarkable, as I have been addressing this particular issue over the last 8 years, to see this new intersection, this new coalition of partners that heretofore just has not existed. It has not existed. By that I am talking about the pharmaceutical companies. At the end of the day, it is going to be the research of the pharmaceutical companies—in developing vaccines, in figuring out why this virus changes—that will give much of the answer. The pharmaceutical companies, the faith-based community—the churches, the spiritual community—the academies, and the universities all across this great Nation are coming together at this intersection, along with Government and along with, I should add, the private sector and foundations.

I mention the foundations because we just saw an announcement last week by Bill Gates. It is significant, with big numbers, huge numbers going to global health. We have seen nothing like this in the history of the world. It comes from a foundation that, in truth, moves a lot faster than Government can move. We have been working on the HIV/AIDS issue for years and years and years. Bill Gates basically said: Listen, I see the problem. I am going to go out and do my best to lick the problem. Indeed, he announced this past week a remarkable \$200 million grant to establish what is called the Grand Challenges in Global Health initiative. This is going to be a major new effort and a partnership with our NIH, our National Institutes of Health, which will accelerate research on the most difficult scientific barriers in global health.

Today, only 10 percent of medical research in this country—only 10 percent—is devoted to the diseases which account for 90 percent of the health burden in the world. Mr. Gates said: It doesn't make sense. For 90 percent of the health burden in the world, we are only spending 10 percent of our research dollars. Let's do something about it. He is in a position to do just that. Through his foundation, he will change just that.

The Gates initiative will provide grants to support the collaborative efforts of the most creative and innovative scientists and researchers in the world. The initiative will draw attention to these urgent global health research needs. And it will stimulate where I think the real answer is going to be; that is, the public-private partnerships—the partnerships with the academies, with the churches, with the pharmaceutical companies, with the leadership, yes, of the United States and other of the wealthier countries, but also the leadership of the disadvantaged countries, the countries that are

being subjected to the ravages of HIV/AIDS.

I would not have said this 4 years ago, but we will defeat this little virus. When I close my eyes, that is what I see: this little virus—and all the death and destruction—but this little tiny virus, in part because I am a doctor. When I think of disease, I always look at the cause of it. But it is that little virus. We will defeat it. Let me repeat that: We will. It will be with the leadership of the United States of America. And by “leadership,” I am talking about this body, working with the President, working with the House of Representatives, working with the public-private partnerships. With that leadership, we will defeat this virus.

But the question is—and the reason timing is important—how many children and women and men are going to die before we defeat the virus? I already told you, in the best of all worlds, for every one person who died in the last 20 years, two are going to die in the next 20. Even if we discovered a vaccine right now, that is going to happen, because the vaccine is for prevention.

The real question is, Will 60 million or 80 million or 100 million people die? Or, again, under the leadership of the President of the United States, and with the legislation that we can generate in this body, instead of it being 100 million, can it be 20 million or 40 million or 45 million or 50 million? Or will it grow from 100 million to 200 million or 300 million?

That is the urgency. That is why we need an emergency response. And that is why, as a physician, as someone who, with my own hands, has had the opportunity to work with hundreds of HIV/AIDS patients in this country and in many countries in Africa, it means so much to me. I have seen that so directly.

The answer is in our hands. Literally, it is in our hands. We are capable today of slowing this pandemic. It is going to increase in the near future. There is nothing we can do about that. But we can slow the trajectory. Indeed, in countries such as Uganda it has already flattened and decreased, so we know there are things we can do now to reverse this trajectory. But we have to choose to fight first. We need to make that commitment the President made 2 nights ago and fight it with our will, fight it with resources, fight it with energy and as much spirit as we can muster.

I will close because I know it is late, and we have worked again aggressively over the course of the day and have made real progress, but I will close by simply saying, the President, I know, is committed in both word and deed. I think it is now time for our body, this legislative body, to come together to work for this legislation and help lead a great people and a great nation to overcome one of the greatest moral and public health challenges the world will face in the 21st century.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could ask the majority leader to yield just for a brief second, I of course appreciate very much the majority leader's statement. It has even more meaning based on his being a physician. But having been to Africa just a few months ago for the second time, and to see the difference in the approximately 8 or 9 years from the time I first went, to see the devastation by this plague that is sweeping this continent is stark.

It is frightening to think that thousands of people every day in that continent are dying—not hundreds. They don't take weekends off. There are no vacations. They continue to die during those periods of time.

I say to my distinguished Republican leader, I also appreciate President Bush devoting some of his time in the State of the Union Address to AIDS and acknowledging that there is a need to do more financially. I appreciate that very much.

I do say, however, to the majority leader, that, as you know, we tried last year to pass the same initiative. So it is not as if we have been standing still. We tried to do this in the past and, frankly, we were held up in its passage.

I also say that the United States, of course, is doing a lot, doing more than any other country, as the majority leader has indicated. But I believe we have an obligation to do that. I think it is good that we are doing it. I think we should do more.

I also would like to support what the majority leader has said. The Gates Foundation is exemplary. I think it is wonderful we have a private sector joining to try to do something to defeat this plague. That is what it is.

#### EARLY ACCOMPLISHMENTS

Mr. REID. Having said that, I want to say to the majority leader, separate and apart from HIV/AIDS, that the reason I came here—I am very glad I did because I was educated by the leader's speech—there are not opportunities to do this all the time, it is early in the session, it is early in your leadership but I would just like to say we have, I think, done some good work. Last week, we were able to complete the appropriations bill. There were some who said we were going to try to stop it.

The leader took our word for it and didn't file cloture early. I think that set a good tone in this body. Some of the time we spent last week was tedious, but it set a good foundation. I would also say, based on conversations we had off the floor today with you and the Democratic leader, it was not all that likely we would be able to complete the work on a very important nomination you have wanted, the President has wanted, but we were able to work that out.

The only reason I mention that tonight is, there will be days when I am

sure you will criticize us, and we will criticize you for not being able to get a lot of things done. We sure appreciate the days we have.

I know the leader has not decided what time we will start on the Estrada nomination. I will talk to you privately about that, what time we should do that Tuesday. I think we have been able to accomplish some good things today.

Mr. FRIST. Mr. President, I will get to the closing statements. I briefly want to respond that in the past 3 weeks we have had a lot to do. It has been an opportunity for us to work hand in hand, and I think what has happened over the last initial 12 days, and then now over the last 4 days, does demonstrate that with an aggressive agenda, that by working together and cooperating and, yes, negotiating, we can work through and achieve great accomplishments for the country. I appreciate his comments.

Mr. REID. I would also say, I did not realize the leader had decided what time to go to the nomination on Tuesday. We would rather start it after the caucuses on Tuesday. But if the leader feels he needs to go at 10, we will be ready to go at 10 Tuesday morning.

Mr. FRIST. Mr. President, it would be best if we could go ahead to the nomination earlier in the day, as spelled out in the unanimous consent agreement, again, just to maximize the use of our time. I will offer the proposal that we go in the morning.

Let me also say, because we are shortly going to approve the nomination of the Secretary of the Treasury, I didn't think even 8 hours ago we would be able to do that. I appreciate the opportunity to be able to do that, complete it tonight, and then move in the appropriate fashion with the Estrada nomination.

Mr. REID. If the leader will yield, I should have said that good work was done this afternoon with the Secretary-nominee, Mr. Snow, meeting with Senators DURBIN and HARKIN. He obviously did an excellent job. I express my appreciation to him, but also to Senators DURBIN and HARKIN for allowing us to move forward.

#### FUNDING TO FIGHT HIV/AIDS ABROAD

Mr. SMITH. Mr. President, I rise to laud President Bush's announcement in his State of the Union Address of a \$15 billion, 5-year emergency plan for AIDS relief, with \$10 billion in new money to combat the global AIDS pandemic, provides new hope for many of the 42 million men, women, and children living with AIDS right now. This initiative, which I enthusiastically support, represents a critical first step in scaling up the world's response to the global AIDS pandemic. Combined with expanded, though still relatively small, bilateral resources to fight tuberculosis, the leading killer of people with AIDS, this initiative can save



many lives. I commend the President for his leadership in this effort.

In truth, however, this effort has just begun. This initiative should be just a first downpayment by the U.S. in our fight against AIDS. We must fully fund this initiative in 2004 and do more. It is also up to us to now work with the President to shape this initiative for maximum impact. We must invest wisely to protect and save as many lives as possible as quickly as possible. As we work with the administration to take this initiative from an idea into action, we have important decisions to make. I offer you a few key points today regarding how we can use these funds in order to save the greatest number of lives and protect our global health and stability.

We must frontload this money, and ensure that it reaches as many countries as possible.

These funds are needed immediately, and if we do not invest enough now, we will pay far more later, in money, in lives lost, and in the social, economic, and spiritual cost to the families, communities, nations, which are hardest hit. There are 10 million children in sub-Saharan Africa alone, children who ought to be free to play, to learn, to enjoy their young lives who have lost one or both parents to AIDS. This represents a country the size of Belgium. In 10 years, at current rates, this number will quadruple. But we have a choice. Will we allow this to happen? Every year we delay, the slower we are to scale up, the greater the cost. This epidemic is not waiting for us, it is accelerating. So we must accelerate our response. We must increase funding in the fiscal year 2004 budget we will soon consider.

The 14 countries in Africa and the Caribbean targeted by President Bush are important ones. However, there are many, additional countries where we must urgently address AIDS now. For instance, in Lesotho, Malawi, Swaziland and Zimbabwe, where 60 percent of all deaths under 60 are due to AIDS, TB, and malaria, people need help immediately too.

Our own National Intelligence Council has identified five populous nations of strategic importance to the United States as the "next wave" of the HIV/AIDS epidemic, including India and Russia. India alone contains some one-third of the world's tuberculosis burden, and since HIV fuels the TB epidemic, TB rates will skyrocket in these countries as HIV spreads. HIV rates are growing faster in Russia than any other region of the world, and the dangerous drug-resistant strains of TB that are more prevalent in Russia than anywhere in the world will pose a serious, deadly and expensive medical problem if they explode in synergy with AIDS. We cannot wait; we must act now.

Another point of key importance regarding the President's proposed initiative is we must allocate far greater resources to the important new global

fund to fight AIDS, TB, and malaria, but the initiative fails so far to do so.

I fear that the President's emergency plan for AIDS relief may underfund the global fund, our best new means of addressing these epidemics. This is particularly ironic given that Secretary Tommy Thompson has just been appointed the chair of the global fund's board. The global fund is a relatively new mechanism that is centrally important in scaling up the global response to AIDS. The global fund is innovative. It is independent. It is efficient. And it is fully operational. By tomorrow, at the close of their meeting in Geneva, Switzerland, the fund's board will announce a second round of grant awards to programs in affected countries that are providing needed prevention, treatment, and care for these three diseases. In this second round, the fund will approve projects that will produce the following estimated results:

For just \$325 million, or about 2 percent of the proposed \$15 billion, 270,000 more people will receive antiretroviral, ARV, drugs in developing countries, adding to 220,000 people who will receive ARVs from the first round of the global fund's grants. In total, the global fund will support a sixfold increase in the number of people being treated with ARVs in Africa.

With \$300 million, some 2 million more people will be treated for tuberculosis over the next 5 years through expansion of the highly effective DOTS, Directly Observed Therapy, Short-course, treatment services.

For just \$18 million, or one-tenth of one percent of \$15 billion, 10 million more people in Africa will be treated for malaria through the use of the new and highly effective anti-malarials, artemisinin-based treatments.

This work is highly impressive, and it is critically important.

The global fund estimates very conservatively that it will need \$6.3 billion in 2003 and 2004, to be able to finance the high-quality proposals it anticipates receiving. The U.S. should provide at least \$2 billion or more in 2004, with additional resources in 2003, scaling up in future years.

Now, after this second round of grants is announced on Friday, the fund will be virtually out of money, and unable to even request a third round of proposals later this year. I commend the efforts of my many colleagues over the past year, colleagues from both sides of the aisle, led by Senators FRIST, KERRY, DEWINE, DURBIN, BOXER, and many others—who have provided leadership toward expanding the United States' investment in the global fund. Now is not the time to back down on U.S. leadership at the global fund, but the time to greatly increase our investment in the fund to rapidly and effectively scale up global efforts. Providing our fair share of global fund resources as a part of a new AIDS initiative would leverage major increases in other donor contributions as well.

One more point on funding. It is of vital importance that the President's emergency plan for AIDS relief not draw resources away from existing development programs such as bilateral tuberculosis or child survival efforts or other development priorities.

And, finally, we must look at the problem of AIDS in conjunction with the problem of tuberculosis, for the two are inextricably linked from a medical perspective. Tuberculosis, which is the leading killer of people with HIV worldwide, is carried by one in three people worldwide. The disease drains human resources from struggling economies and poverty-stricken regions.

Tuberculosis is readily curable with drugs that cost as little as \$10 per patient in developing countries with the DOTS treatment, but only one in four people who need DOTS have access to it. If we do not act now to bring tuberculosis under control globally, then TB infection rates will rise precipitously with the spread of HIV; and this is of particular concern given the existence of dangerous drug-resistant strains, which are far more expensive and difficult to treat. With just \$200 million invested annually, the United States can provide its fair share of the resources needed to meet international TB control targets by 2005, as laid out in a groundbreaking blueprint called the Global Plan to Stop TB.

In closing, I again salute President Bush for his wise and compassionate leadership in proposing a bold new U.S. initiative to fight global AIDS. I urge that this be just a first step in our scaled up response, and that we invest resources aggressively. Now, that we reach as many affected countries as possible, and that we provide our fair U.S. share of the total resources needed by the global fund to fight AIDS, TB, and malaria.

#### TRIBUTE TO ANDRE AGASSI

Mr. REID. Mr. President, I rise to pay tribute to my friend and fellow Nevadan Andre Agassi, who won the Australian Open tennis championship over the weekend. Andre is from Las Vegas, where the community knows him to be not only an outstanding athlete but also an outstanding person who gives generously to many worthwhile causes and helps those most in need.

Blessed with amazing talent, Andre was a natural who began his professional career as a very young boy. Although he is still quite young by most standards, for a professional athlete, especially a world-class tennis player he is considered old. He will turn 33 this year and is now one of the true veterans of the men's tennis tour. He has demonstrated a tremendous dedication to fitness and training to enable him to compete—and win—against much younger players.

Andre demonstrates the same relentless determination to succeed off the

court, and to help others have an opportunity to achieve. The people of Nevada appreciate Andre's commitment to the community and his longstanding philanthropic work.

Andre Agassi is an example of how a celebrity can use his fame, fortune, and connections for the public good. He has contributed millions of dollars and helped raise millions more for charitable organizations. And his involvement in these projects extends beyond signing large checks: he gives his time and energy to these programs, helps develop a vision and plan for them and knows what's going on with them.

He established the Andre Agassi Charitable Foundation to assist organizations that support children and that provide assistance to victims of domestic violence.

The foundation provided much of the funding for the Andre Agassi College Preparatory Academy. Agassi Prep, as it is called, is a charter school serving at risk children. Many of the students live in poverty. The vast majority of them are from single parent households. Most of the students attending the school are African American.

Andre's goal is to improve their lives through education and prepare them for college.

I had the opportunity to visit this wonderful school and see the students learning in the classroom and then present a performance. I was encouraged by their enthusiasm for knowledge and the respect that they showed for their teachers and for one another.

In addition to the charter school, there is the Andre Agassi Boys and Girls Club in west Las Vegas, a minority community, providing a safe and positive environment for youth. The club functions as a place where children can participate in fun, recreational activities and also learn about the dangers of becoming involved with gangs or drugs.

So Andre Agassi is making a difference in the lives of so many children and their families in Southern Nevada, some of whom are unaware that this weekend Down Under in Australia, thousands of miles and many time zones away, Andre won another major tennis championship, the eighth Grand Slam title of his career.

To accomplish this, Andre won seven straight matches over 2 weeks. This extends his victory streak to 21 consecutive matches at the Australian Open, a tournament he won in 1995, and then again in 2000 and 2001. Unfortunately, he was not able to defend his championship last year because of an injury. But he recovered and worked hard to get his form back and once again triumphed.

Another reason tennis fans are celebrating Andre's latest victory is his recent suggestion that if he won this tournament, his wife, Steffi Graf, herself a legend in the tennis world and winner of numerous championships, would come out of her retirement to team up with him and play mixed doubles at the French Open this year.

He and Steffi are a formidable pair and should create a lot of excitement on the clay courts in Paris.

Several years ago Andre won the men's singles at the French Open and became the first tennis male player in more than three decades to win all four of the Grand Slam tournaments—Wimbledon, the U.S. Open, the Australian Open, and the French—during his career. These events are played on different surfaces—grass, hardcourt and clay—that emphasize different skills and strategies, so it is very difficult and rare for a single player to have the versatility needed to excel on all of them.

Andre has already established himself as one of the all-time greats in the history of tennis and provided fans with many memories. He has been playing professional tennis now for more than half of his life. Even though he is playing some of the best tennis of his life and shows no signs of slowing down, we know that sooner or later, I predict within the next 10 years, Andre will win his last Grand Slam at age 40.

He and Steffi are the parents of a young boy, Jaden Gil, and I'm sure Andre will want to be actively involved in family life after his professional tennis days are over. I am also certain that Andre will continue his great work on behalf of children in Las Vegas, and he can look forward to watching with pride as the students of Agassi Prep grow up, graduate and achieve success.

I am happy to recognize once again the accomplishments of a great Ne-vadan and great American, Andre Agassi.

#### REMEMBERING THE LEGACY OF DR. MARTIN LUTHER KING, JR.

Mr. BIDEN. Mr. President, I rise today to honor an extraordinary man in American history. Dr. Martin Luther King, Jr., without exception, led a fearless life dedicated to the cause of human rights and world peace. His example inspired a generation of Americans to rise above what had been two centuries of injustice and inequality and usher in a new day of enlightenment and freedom. For that great gift, for having imagined what America ought to be and setting us on that course, we will forever be in his debt.

Had Dr. King been spared on that fateful day in 1968, he would have turned 74 years of age this month. He would have watched his children, Martin, Dexter and Yolanda, grow into strong and responsible adults. He would have watched a generation of young people mature into adults, struggling to keep the spirit of his dream alive. He would have seen the birth of an entirely new generation, charged with carrying America's torch into a new century.

Had Dr. King lived, he would have witnessed, and undoubtedly experienced, countless changes in America and the world . . . but would he believe

we had truly arrived at the "promised land" he spoke of in his "I Have a Dream" speech? Or would he find some unfinished business? What would he say?

Would Dr. King still speak of the "debilitating and grinding poverty" that disproportionately affects minority communities? In America today, like America of the 1960s, disproportionate numbers of minorities live in dilapidated housing with low or no income. They have far too few resources to feed their families, to clothe their children, or to pay the price of higher and higher rents, and certainly not enough to afford a down-payment for a home of their own. Too many seniors have to make the unfair and unacceptable choice between heat and prescription drugs. And too few of them have the retirement savings of which they had dreamed. And in these sorry economic times, there is no safety-net, children can't support their aging parents.

What would Dr. King say? We live in the richest Nation in the world, yet certain current economic policies sometimes neglect working-class men and women and turn a blind eye to the poorest among us, all in the name of stimulating our economy. If we want to boost the economy, we should first boost the vast majority of Americans who can't spend because they don't have an opportunity to earn. Our focus should be on providing equal access to professional and educational opportunities, and not on dispensing one-way tickets to low-paying jobs with dead-end possibilities. If we are concerned about our country's economic health, we should be concerned about economic opportunities for all.

What would Dr. King say? Last year, hate crimes climbed by more than 17 percent, and offenses targeted specifically against Muslims jumped 1,600 percent. Just this month, as the Nation prepared itself to honor the memory of Dr. King, racial threats were mailed to more than 30 African-American churches and businesses in Kansas City, MO. And, sadly, Kansas City is no different than many cities in America. According to the Federal Bureau of Investigation, 9,730 hate crimes were reported in the United States in 2001, that is more than 26 hate crimes a day. And it is not counting the untold numbers of crimes that go unreported, nor the numbers of crimes against individuals solely because of their gender or sexual orientation or disability, all of which are not captured under current Federal law.

Hate crimes are not simply crimes against individuals; they are crimes against whole communities and have marked the demise of great nations. To paraphrase Dr. King, "history is cluttered with the wreckage of nations and individuals" that tolerated "this self-defeating path of hate." And yet Congress in its infinite wisdom has failed to pass basic legislation that would strengthen the ability of Federal, State and local governments to investigate and prosecute hate crimes; failed to remove unnecessary obstacles to Federal

involvement in the prosecution of bias-motivated crimes; and failed to give law enforcement the tools it needs to ensure that every American can live in an environment free of terror.

And what would Dr. King say of our efforts to make it possible that every American child attend college and receive the benefits that flow from a college education? Four decades after Ole Miss and the University of Alabama admitted their first minority students, some are arguing that universities cannot seek to promote a diverse campus atmosphere by considering race, among many other factors, in assembling its student body. I was disappointed when the President announced to the nation that he would authorize the U.S. Government to oppose the undergraduate and law school admissions policies of the University of Michigan. The administration had an opportunity to send a powerful message to the Nation, namely that, partisan politics aside, the attainment of diverse student bodies at America's universities is in our greatest national interest. I disagree with his decision.

The President's reason for opposing the Michigan admissions system was because it mandated racial quotas. It does not. As the university's president, Mary Sue Coleman, noted in her response to President Bush's misstatement, the university's admissions system "is a complex process that takes many factors into account and considers the entire background of each applicant. . . . We do not have, and never had, quotas or numerical targets in either the undergraduate or Law School admissions programs. Academic qualifications are the overwhelming consideration for admission to both programs."

No, this debate is not about quotas. Rather, it is about educators' judgments about how best to teach and stimulate the curiosity of America's college students. It is about how to nurture critical thinking, how to ignite students' intellectual imagination. I have said it many times before, but now I have the social science data to back it up: the greatest benefactor of a diverse student community is not the individual student who gets some plus-factor on his admissions application; it is the wider college community that gains immensely from learning in an environment with different types of people, with different types of life experiences. And anyone who would suggest that an individual's race does not contribute to one's life experience would be sadly mistaken, because, even in the 21st century, diversity matters.

This debate is about how to make America's promise real for all her children. Tellingly, when asked about the lawsuits against the University of Michigan, Dr. King's widow, Coretta Scott King, noted quite poignantly that affirmative action is "an important part toward eliminating discrimination." She is right. To the extent that Whites and minorities sometimes

experience life differently, in other words, to the extent that there are Black-White gaps in poverty rates, in income levels, in access to quality health care, in life expectancy, in rates of imprisonment, in any number of life indicators, those gaps narrow considerably when minorities have increased and equal access to educational opportunities.

Quite frankly, the road that led me from the small town of Scranton, PA, to the hamlet of Claymont, DE, and eventually to the hallowed Halls of the Senate, while rocky and sometimes uncertain, was always paved with possibility. The challenge, my friends, is to make sure every child, no matter their race or ethnicity, no matter their gender, no matter their families' socioeconomic status, has a chance to travel a road, not necessarily free of obstacles, but certainly full of possibility. We must be vigilant in ensuring that the road for all our citizens is paved with possibility.

In 1957, when Dr. King and a group of others formed the Southern Christian Leadership Conference, they chose as their motto: "To save the soul of America." Our charge today is no less urgent. We have to make America what it ought to be. And to do that, we start where our Founders started, by awakening in our hearts that spirit of revolution, of freedom, of democracy out of which America was born, by remembering that America's promise is only as strong and as real to you as it is to all. Dr. King said it best: "Injustice anywhere is a threat everywhere. . . . Whatever affects one directly, affects all indirectly." My friends, "either we go up together or we go down together."

The questions are really quite simple. I stand with Dr. King's vision, which calls on us today to make sure that we do all we can to close the gaps in education and economic prosperity.

When Dr. King died that dark day in 1968, honestly a part of me and a part of every American died, too. Riots erupted in 125 cities around the country, including in my home State of Delaware, where the National Guard occupied Wilmington for 10 months, reportedly the longest occupation in the country. But out of that horror and the anguish that followed, a clarion call was heard. We emerged from the riots a stronger and better nation, and with a stronger faith in what is good and right about America.

To my beloved countrymen, I say that, in this season marking Dr. King's birth, we must remember his legacy. We must continue to raise our voices, continue to speak for the least among us, continue to fight for what is good and right about America.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress

Senator KENNEDY and I introduced the Local Law Enforcement 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 August 27, 2000 in Normal, IL. Christopher Weninger, an Illinois State University student, was assaulted while walking home from a party. Three men approached Weninger on the street and asked him for a cigarette. As Weninger handed one man a cigarette, another man punched him in the face and called him "queer." The victim suffered a broken nose and eye socket.

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.

#### YOUTH PROGRAM IS BEST REVENGE AGAINST RISING TIDE OF GUN DEATHS

Mr. LEVIN. Mr. President, I want to bring an inspiring young woman from my home State of Michigan to the attention of my colleagues. Her name is Lakeshia Gallman. Lakeshia graduated from Martin Luther King High School in 2002 and currently attends Wayne State University.

As many of my colleagues know, the Detroit area has been plagued by gun-related deaths of children over the last year. Lakeshia Gallman is no stranger to the terrible effects of this rising tide of gun violence on families and communities. She lost her 17-year-old cousin in a senseless act of gun violence 4 years ago. Since that incident, Lakeshia's commitment to reducing the occurrence of gun violence in Detroit has been exemplary. Lakeshia is active in the Detroit Neighborhood Service Organization's Youth Initiative Project, an organization dedicated to drug prevention and stopping youth violence. She has been a champion of gun safety initiatives in Detroit for over 3½ years. Over the last year, Lakeshia has set up town hall meetings, and met with local and national elected officials, including me. She also helped distribute over 2,000 gun locks and has educated people about the harsh realities of gun violence. Lakeshia recently authored a column on the effects of gun violence in the Detroit Free Press.

Like many Americans, Lakeshia Gallman understands that the black market and gun traffickers are two of the primary ways criminals get their hands on guns. She also knows that easy access to guns in homes are a primary method by which kids injure or kill other kids. We can eliminate easy access to guns by criminals by closing the gun show loophole. And we can prevent kids from gaining access to guns

by enacting safe storage legislation, such as the Children's Firearm Access Prevention Act. These are two commonsense steps we can take to reduce gun violence.

I had the pleasure of meeting Lakeshia Gallman in October and I commended her on her hard work and dedication to preventing gun violence in her community. I am sure that I speak for many of my Senate colleagues in congratulating her on a job well done.

I ask unanimous consent that Lakeshia's Detroit Free Press column be printed in the RECORD.

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

YOUTH PROGRAM IS BEST REVENGE AGAINST  
RISING TIDE OF GUN DEATHS

TEEN WHO LOST COUSIN CHANNELS HER ANGER  
INTO EDUCATION PLAN

(By Lakeshia Gallman)

Sometimes I sit back and wonder why innocent people have to die. It is a shame that violence has taken over our world.

The shooting death of 16-year-old Detroit high-school student Mario Smith over the weekend has personal meaning for me as someone who graduated from Martin Luther King High School this year. Mario was an honor student at King, an athlete I knew to be a great all-around person.

His senseless death was the latest sad reminder of how gun violence is destroying our communities. But I already knew this—because my 17-year-old cousin was shot to death four years ago.

My cousin and his friends were shot several times with automatic weapons. It was a Sunday afternoon; my aunt told him to take her car and go to the cleaners. Instead, he went to pick up some friends who at the time were selling drugs. They stopped at a stop sign, and two men sprayed the car with their AK47s.

I think my cousin was at the wrong place at the wrong time and hanging out with the wrong crowd. He had a lot of dreams that he wanted to accomplish in life, but that was all taken away from him in couple of seconds.

He always talked about going to the NFL or being a rapper. He was like a brother. I miss his jokes and his smile.

He taught me how to play basketball and said he would come to my first high school game. He was killed a month before my first game.

After my cousin was murdered, I wanted revenge on whoever killed him. Later, I realized that violence was not the way to retaliate. I joined the Detroit Neighborhood Services Organization's Youth Initiatives Project—a youth-driven program that campaigns against drug violence. The program is my revenge.

I get my revenge by educating the community on gun safety and passing out gun locks to help prevent accidents with guns in the home. In this way, I could repay my cousin by saving other lives.

The Youth Initiatives Project has benefited me a lot. The program has made me come out of my shell and talk to other youths about my story.

When I first started the program, I was very shy and quiet. With the help of Frank McGhee, our program director, I learned that if you speak your mind, people will take a minute to listen.

The Youth Initiatives Project has been fighting the fight for a long time. We have

been campaigning and having rallies on this issue for about 3½ years. Gun violence can be stopped. We just have to keep on pushing and educating the public.

Among other achievements, the project distributed 2,000 gun locks to the community over the summer. This proved that the community wanted to practice gun safety—and that made me proud.

The next issue I want to deal with is illegal gun trafficking. I wonder where people are getting these high-powered machine guns. People are selling guns from their houses, trunks of their cars and other places that are illegal. Anyone can buy a gun from these places, even minors.

This illegal gun trafficking is very dangerous because children can get their hands on guns whenever they want.

My message to the community is: If we had done something before these murders, this could have been prevented. We were not concerned until our babies were murdered. There need to be more block clubs, town hall meetings and community activities to keep children out of trouble. This is what I leave with you. Let's start saving our future before it fades away.

To Mario Smith's family, I would like to say that I will keep praying for you and to never give up, because justice will be served.

To my cousin: Rest in peace, Ronald Ellis, I will see you again one day. Just keep on waiting for me, and we will play that one-on-one game I owe you.

My heart goes out to the families and siblings who lost somebody they love. God bless you, and never give up.

#### TRAVEL TO PRAGUE, CZECH REPUBLIC FOR THE NATO SUMMIT

Mr. VOINOVICH. Mr. President, as many of my colleagues may be aware, I am a strong advocate of NATO enlargement to include Europe's new democracies. As such, I was thrilled to have the opportunity to join President George W. Bush at the NATO Summit in Prague last November, at which time invitations for NATO membership were extended to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia.

I remain deeply grateful to the President for inviting me to join him as a member of the Congressional delegation to the NATO Summit, along with my colleague Senator BILL FRIST, and Congressman TOM LANTOS, Congressman ELTON GALLEGLEY and Congressman DOUG BEREUTER. I appreciate that the President has recognized my lifelong passion for the inclusion of the former Captive Nations as members of the NATO Alliance, and I was proud to be in the room on November 21, 2002, when NATO Secretary General Lord Robertson officially announced the decision to invite seven countries to become part of the Alliance.

As Lord Robertson articulated on that historic day, the decision to include these new members will serve to strengthen the Alliance as it prepares to confront new challenges to global security. After working with the NATO aspirant countries on comprehensive domestic reforms in preparation for membership in the Alliance, the Secretary General concluded that, "We can therefore say with complete con-

fidence that this round of enlargement will maintain and increase NATO's strength, cohesion and vitality." I share his belief that these countries will make significant contributions to the NATO Alliance. As Secretary of Defense Donald Rumsfeld and Chairman of the Joint Chiefs of Staff General Richard Myers have also expressed, these countries will bring niche capabilities, as well as energy, freshness and enthusiasm, to the Alliance.

I sincerely believe that although the newly invited countries still have work to do on their Membership Action Plans, their reforms will be swifter and more complete as they are brought into the Alliance, rather than left out.

Upon our arrival in the Czech Republic, we were informed that we were invited to attend a mock NATO Summit for students, which included young people representing all 19 members of the NATO Alliance, as well as the aspirant countries. The students were scheduled to discuss and debate the same issues that were to be addressed by the Heads of States of the NATO member countries. President Bush was the keynote speaker at their event. I was pleased that Senator FRIST and I had the opportunity to introduce ourselves to the various delegations, and I enjoyed the chance to share common experiences with the delegations from Macedonia, Croatia, Italy and Lithuania on an informal basis.

President Bush gave a most inspiring speech to the young people, emphasizing the fact that NATO has become more than simply a military organization, and is in fact an organization composed of people who share common values. With these common ties, he remarked, those countries who have been traditional adversaries will no longer go to war against one another. Instead, as Article V of the NATO Charter clearly states, an attack against one is an attack on all.

Following the President's speech, we proceeded to a reception with Secretary of State Colin Powell. I was delighted to talk with him about NATO's changing role, as well as the many perspectives from which he has viewed the formulation of our foreign policy. On Wednesday evening, November 20, 2002, members of the U.S. delegation attended a dinner with other delegates to the NATO Summit, which was hosted by the Aspen Institute. I was glad to have the opportunity to visit with President Mesic of Croatia, President Trajkovski of Macedonia, Prime Minister Dzurinda of the Slovak Republic, President Kucan of Slovenia, and our host, President Vaclav Havel of the Czech Republic.

Thursday, November 21, 2002 was a thrilling day for me. I have longed to be present when Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were invited into NATO, and I was pleased to be there to see President Havel begin the program and to hear Lord Robertson formally invite

seven countries to join the Alliance. With no objections, the consensus among the Allies was to invite these young democracies into NATO. Each delegation, through its President or Prime Minister, made a statement to express their support for these seven countries and their strategic importance to the NATO organization. It was inspiring to hear country give their enthusiastic endorsement, and it gave me some comfort that they would help to move the approval of these countries' membership through their respective legislatures.

On Thursday afternoon, I joined other members of the U.S. delegation at a small luncheon in honor of the NATO aspirant countries. I enjoyed the chance to visit with President Vaira Vike-Freiberga of Latvia, Foreign Minister Mircea Geoana of Romania, President Drnovsek of Slovenia, as well as Prime Minister Simeon Saxe-Coburg-Gotha of Bulgaria. It was a wonderful celebration of the invitations extended to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia, as well as the ongoing reforms in Macedonia, Albania and Croatia to prepare for membership in the Alliance.

Later that day, my wife Janet and I were happy to talk further with Czech President Vaclav Havel at a dinner held in his honor at the Prague Castle. Following dinner, at 1:30 a.m. Prague time, I placed a call to Cleveland to talk with individuals with ties to NATO aspirant countries who were gathered at the Lithuanian Hall of Our Lady of Perpetual Help at a rally to celebrate the historic events that had taken place that day. I enjoyed the opportunity to share with them the experiences that I was having in Prague. It was truly a capstone to an unbelievable day that I will never forget.

I look forward to working with my colleagues in the Senate as we begin to discuss the merits of NATO enlargement during this session of Congress.

Mrs. FEINSTEIN. Mr. President, as an appropriator, I come to the floor today to express my opposition to the omnibus appropriations bill.

The \$385 billion omnibus appropriations bill cuts almost \$10 billion from what the Senate Appropriations Committee approved last year.

On top of these draconian cuts, the bill before us includes a 2.9 percent across-the-board cut, to non-military programs, and will affect critical programs such as homeland security, education, and job training.

This bill is a major mistake and represents a short-sided approach to solving our Nation's problems.

What is happening is an administration's effort to starve domestic programs in order to save dollars for a \$674 billion tax cut. If this effort is successful, we will see interest rates rise, the deficit balloon, and a 10-year cumulative deficit of \$2 to 3 trillion.

Americans don't know it yet but soon will learn that this bill makes a house

of cards out of homeland security, which loses \$1 billion which was already requested, authorized, and appropriated.

How many Americans know that this bill will likely cut 1,175 FBI agents, 490 food safety engineers, and 1,600 customs inspectors who are vital if we are to protect our homeland from contraband and those that would do us harm.

How many Americans know that the Head Start cut of \$107 million could prevent 2700 youngsters from a Head Start experience, or leave 224,000 needy individuals without the meals provided by WIC, or 230,000 veterans without medical services.

To make matters worse, this bill is being offered at a time when our Nation continues to face significant challenges in protecting homeland security, increasing school achievement, and strengthening our work force.

Essentially what this bill does is cut the money from a number of critical projects so this body can pass a tax cut of \$674 billion, which will lead to a \$2 trillion deficit over the next 10 years.

Every day this body is faced with tough choices. But in my decade in the Senate, I believe this bill represents one of the worst pieces of legislation to pass this Senate.

#### RULES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 108th Congress adopted by the committee on January 28, 2003.

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

#### RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 28, 2003)

##### RULE 1: JURISDICTION

(a) SUBSTANTIVE.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to

such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declaration of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they related to foreign policy.

15. Protection of United States citizens abroad and expiration.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) OVERSIGHT.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that "... each standing Committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) "ADVICE AND CONSENT" CLAUSES.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

#### RULE 2: SUBCOMMITTEES

(a) CREATION.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) ASSIGNMENTS.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) MEETINGS.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

#### RULE 3: MEETINGS

(a) REGULAR MEETING DAY.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) ADDITIONAL MEETINGS.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) HEARINGS, SELECTION OF WITNESSES.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, however, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the Ranking Member of the Committee or subcommittee may request that an equal number of public witnesses selected by the Ranking Member be called to testify at that hearing.

(d) PUBLIC ANNOUNCEMENT.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the Chairman of the Committee, or subcommittee, in consultation with the Ranking Member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) PROCEDURE.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Member. The Chairman, in consultation with the Ranking Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) CLOSED SESSIONS.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) STAFF ATTENDANCE.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Member, may limit staff attendance at specified meetings.

#### RULE 4: QUORUMS

(a) TESTIMONY.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) BUSINESS.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) REPORTING.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure of recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 5: PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

#### RULE 6: WITNESSES

(a) GENERAL.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) PRESENTATION.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) FILING OF STATEMENTS.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Member following their determination that there is good cause for failure to file such a statement.

(d) EXPENSES.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) REQUESTS.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

#### RULE 7: SUBPOENAS

(a) AUTHORIZATION.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any Member of the Committee, the Committee shall authorize the issuance of a subpoena only at a meeting of the Committee. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.



(b) RETURN.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) DEPOSITIONS.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

#### RULE 8: REPORTS

(a) FILING.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) SUPPLEMENTAL, MINORITY AND ADDITIONAL VIEWS.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absences of timely notice, the Committee report may be filed and printed immediately without such views.

(c) ROLLCALL VOTES.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

#### RULE 9: TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar for Congress to Congress until the Committee takes action to report it to the Senate or recommended its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

#### RULE 10: NOMINATIONS

(a) WAITING REQUIREMENT.—Unless otherwise directed by the Chairman and the Ranking Member, the Committee on Foreign Re-

lations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) PUBLIC CONSIDERATION.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) REQUIRED DATA.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

#### RULE 11: TRAVEL

(a) FOREIGN TRAVEL.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the Chairman and Ranking Member of the full Committee.

When the Chairman of the Ranking Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) DOMESTIC TRAVEL.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) PERSONAL STAFF.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of that Committee.

(d) PERSONAL REPRESENTATIVES OF THE MEMBER (PRM).—For the purposes of Rule 11

as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

#### RULE 12: TRANSCRIPTS

(a) GENERAL.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Member, determines otherwise.

(b) CLASSIFIED OR RESTRICTED TRANSCRIPTS.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purposes of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized person with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13: CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members of authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14: STAFF

(a) RESPONSIBILITIES.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designed minority Staff, shall be under the general supervision of the Ranking Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) RESTRICTIONS.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or

the Ranking Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15: STATUS AND AMENDMENT OF RULES

(a) STATUS.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) AMENDMENT.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

RULES OF THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the Rules of the Special Committee on Aging.

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

RULES OF THE SPECIAL COMMITTEE ON AGING

Rules of Procedure

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

a. Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not

present at any meeting or hearing, the Ranking Majority member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

## II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof maybe closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

### 5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

## III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

### 3. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting followed a poll for a vote on the polled decision.

## IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

## V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

### 4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical

errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The Chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

## VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or

criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

#### VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

#### VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

#### IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

#### ADDITIONAL STATEMENTS

##### IN RECOGNITION OF SUSIE ROZETTA EADES DOUGLAS

• Mr. CAMPBELL. Mr. President, I rise today to honor Susie Rozetta

Eades Douglas. Mrs. Douglas, 81, was a Cheyenne and Pawnee and enrolled member of the Cheyenne and Arapaho Tribes of Oklahoma. Her great-grandfather was Bull Bear, who was a Cheyenne peace chief, leader of the Dog Men Society, and the first signatory to the Medicine Lodge Creek Treaty of 1867. Her grandfather, Thunderbird—Richard Davis—and artist and writer, is credited with preserving valuable ceremonial information at a time when the Sun Dance and other Cheyenne ceremonies were outlawed.

Born in Pawnee, Oklahoma, on July 2, 1921, to Richenda Aspenall Davis Eades and Joseph Cleveland Eades, Sr., she was raised in El Reno, Oklahoma, graduated from Chillico Indian School in 1940, and earned an associate degree in business from Haskell Institute in Lawrence, KS, Class of 1943.

Homemaker and Eastern Star, she was a Quilting Society member and an active volunteer worker for the Democratic Party. As an Army wife, she traveled extensively and lived in Oahu, Hawaii, and Naples, Italy, before settling into her longtime home in San Antonio, Texas.

She passed away in San Antonio on January 21, from pneumonia and complications of diabetes and Alzheimer's disease, and was buried on January 25 at the Cheyenne Arapaho Cemetery in Concho, Oklahoma.

She is survived by her husband of nearly 59 years, Freeland Edward Douglas, Hodulgee Muscogee; their daughter Suzan Shown Harjo and son Dennis Gene Douglas; and a host of grandchildren and great-grandchildren. Her daughter says Mrs. Douglas was her inspiration for work on the American Indian Religious Freedom Act and sacred lands protection and repatriation laws. •

##### IN MEMORY OF CHRISTOPHER JAMES CANNING

• Mr. DURBIN. Mr. President, I rise today to pay tribute to Christopher J. Canning, who died June 30, 2001, at the young age of 15.

Chris was from Maroa, IL, and excelled as an athlete in sports such as football, basketball, and baseball. Chris also excelled in the martial arts, where he was a multi-state and national champion, an "AAU All American," and a member of the U.S. Elite team at the Olympic training center. Chris and his legacy as a martial artist will live on through the United States National AAU Taekwondo Chris Canning Award of Excellence, established in July 2002. This award is given to one athlete out of 14,000 at the U.S. National Championships.

Chris was also an honor student who appreciated reading, math and music. Chris enjoyed playing classical piano, and also played the drums for his school. Chris liked to read books outside of what was required for school. He liked to be challenged in many different subject areas.

Chris was drawn toward community and public service. Chris was also known to protect kids at school from the local bullies. He helped people less fortunate than himself by shoveling snow for the elderly without pay, collecting food and clothing for the homeless in Decatur on his own, and helping to deliver meals on wheels for those confined to home. He would always find ways to help others, and to find homes for abandoned animals through working at his grandparents' animal shelter. Looking to the future, he aspired to be in our Nation's Special Forces or to serve in the FBI.

I also want to give special recognition to Chris's family who are still mourning his tragic loss. His father and mother, Art and Melissa Canning, his brother and sister, Robert and Elizabeth, and finally his grandparents Marla and Joe Powers.

In short, Christopher J. Canning was a caring young man, a good citizen, an asset in his academic environment, and a nationally acclaimed athlete. Tragically, Chris's life was cut short.

The memory of Chris Canning lives on, and today I pay tribute to a young man who had so much promise as an athlete, student, martial artist, community servant, and son. His example will always be an inspiration to those who follow in his footsteps. •

##### HONORING PATRICK GROSS

• Mr. JOHNSON. Mr. President, I rise today to honor the career of Patrick Gross, a dedicated public servant and an outstanding former member of my staff. He will be ending his career as the community development program director for USDA rural development in South Dakota. As USDA's rural development community development program director, Pat has been a model for other dedicated and talented South Dakotans to emulate and an invaluable asset to everyone who had the honor of working with him.

As an original member of my staff, during my first term in the House of Representatives, Pat played an essential role in the development and creation of my congressional offices in South Dakota. As my first State director, Pat laid the groundwork for future members of my State staff to follow. A leader in State economic and rural development, both constituents and staff members often turned to Pat for his leadership and wealth of knowledge.

An avid outdoorsman and advocate for rural development, Pat was well prepared for a position as my State economic development director. Pat's work on natural resource initiatives, land management concerns, and economic development projects, benefited countless South Dakotans. I could not have asked for a more reliable and dedicated individuals to head the direction of my State offices.

As community development program director, Pat oversaw special initiatives including the Oglala Sioux Tribe

Empowerment Zone, Beadle and Spink Enterprise Community, four Champion Communities, and public information activities for USDA rural development. He served on the senior management team for USDA rural development in South Dakota and is the recipient of the 1999 USDA Road Warrior Award. He served as chairman of the South Dakota Rural Development Council and also served USDA on several national committees. Pat led the process for a 5-year strategic plan for rural development in South Dakota, which included strategic planning processes for eight American Indian tribes. He shared responsibilities in the Federal/private collaboration that planned and developed the SuAnne Big Crow Youth Wellness Project on the Pine Ridge Indian Reservation in South Dakota.

Pat will be greatly missed at the USDA rural development in South Dakota, and I wish Pat, his wife Donna, and their family all the best in the days to come. They are good friends, and I look forward to spending time with them in the future. It is an honor for me to share Pat's accomplishments with my colleagues and to publicly commend his outstanding services to my office and the people of South Dakota.●

#### A SALUTE TO PHIL WARD

● Mr. SMITH. Mr. President, I rise on the floor today to express my deep appreciation for Phil Ward's service as director of the Oregon Department of Agriculture. As a Senator and as someone who has made his living from the land, I can say that Phil's time as director demonstrated a clear understanding not only of the land, but also the people who rely on it for their livelihood.

By trade, Phil Ward is both a farmer and a teacher. Both professions require a great deal of patience and perspective, and Phil has admirably displayed these virtues as ODA director. Producers respect Phil because of the time he has personally spent with them and his constant call for balance in natural resources policy.

Since he was appointed by the Governor in 1999, Phil guided the department as it dealt with a growing number of challenges facing Oregon agriculture. The collapse of the Asian market and implementation of S. 1010 are two prime examples. Phil was also a regional leader, serving as president of the Western Association of State Departments of Agriculture, played a prominent role in the National Association of State Departments of Agriculture, and was extensively involved in trilateral accord discussions with Canada and Mexico on agricultural issues.

Phil Ward has also been a great advocate for Oregon agriculture in dealing with the Federal Government. His agency successfully took over responsibility from the Environmental Protection Agency for implementing water quality standards for CAFOs. Phil and

the ODA also worked closely with me and my office in ensuring that the 2002 farm bill was a hand up to the vast array of Oregon farm producers struggling through drought, low commodity prices, and increasing regulatory obligations.

One of the things I admire most about Phil Ward is that his service to Oregon always rose above partisan politics and he stood tall for Oregon's farmers and ranchers when they needed him on their side. On behalf of myself and Oregon's agricultural community, I thank Phil Ward for his dedicated service to Oregon, for his years of counsel to me, and to wish him all the best in his future pursuits.●

#### TRIBUTE TO UCONN HUSKIES WOMEN'S BASKETBALL RECORD-BREAKING STREAK

● Mr. LIEBERMAN. Mr. President, it's my pleasure to rise in tribute to the University of Connecticut Huskies women's basketball team, which on Saturday, January 18, made Division I history by winning their 55th consecutive game. In doing so, they surpassed the 54-game streak set by Louisiana Tech between 1980 and 1982 and delighted fans all across my state.

Fifty-five straight wins would be an incredible accomplishment in any sport at any time. But it's especially impressive in women's college basketball today, because this is an era of true parity in the sport. There are so many strong teams able to compete with and, on any given night, beat a great team like the Huskies. But the Huskies keep on working, and they keep on winning. At home and on the road, in blowouts and in squeakers. Sometimes they win with defense. Sometimes with 3-point shooting. Sometimes with pure hustle. But they always find a way.

It's no wonder the Huskies have an admirer in legendary UCLA coach John Wooden, whose UCLA men's basketball teams in the early 70s set an all-time Division I record with 88 straight wins. Coach Wooden said of what the Huskies have accomplished, "It's a tremendous feat in any era. I think they play the pure game, more so than the men. The best college basketball in my opinion is played by the better women's teams."

Of course, last year the very best team in the nation was UConn, which racked up a perfect 39-0 season en route to the national championship. The players on that team, led by All-American seniors Sue Bird, Tamika Williams, Swin Cash and Asjha Jones built the bulk of this record streak.

And this season, a team led by All-American junior Diana Taurasi and many terrific young players is in the hunt for the championship again. There will be many tough games to play. Just this Monday, January 20, they matched up against Notre Dame and extended the streak to 56. And on February 1st, they will play Duke, now ranked first in the country.

Competition isn't about perfection. It's about perseverance. I'm reminded of the words of Michael Jordan, who said, "I have missed more than 9,000 shots in my career. I have lost almost 300 games. On 26 occasions I have been entrusted to take the game winning shot . . . and I missed. I have failed over and over and over again in my life. And that's precisely why I succeed." So even if, if, the team should lose someday, the real measure of their character will be how they bounce back, what they learn, how they become an even better team because of it.

So much of the credit for this team's success goes to coach Geno Auriemma, who has built the best program in the nation during his 18 years in Storrs. Assistant Coach Chris Dailey has also played a pivotal part in the remarkable run. The Huskies have won three national championships over the last seven years. They have made 14 straight NCAA tournament appearances and won a combined 23 Big East regular and tournament championships. Over the last three years, they've amassed an astounding 123-4 record.

I wish them luck in the weeks and months to come as they seek to extend the streak further. This has been a month of history in women's college basketball. Tennessee coach Pat Summitt just won her 800th game, and the Huskies won their 55th straight victory. It's a golden time for the sport, and for all the fans who love it.●

#### RECOGNIZING DR. JAMES MONTGOMERY OF ROSWELL, NM, AND THE NATIONAL WILDLIFE REFUGE SYSTEM

● Mr. DOMENICI. Mr. President, I rise before you today not only to recognize the dedication and hard work of a fellow New Mexican, but to celebrate a century of conservation by the National Wildlife Refuge System.

On February 1 of this year, the man I honor today, Dr. James Montgomery of Roswell, NM, will receive the 2003 Refuge Volunteer of the Year award offered by the National Wildlife Refuge Association. This award is given to an individual who displays outstanding dedication to the preservation and advancement of the national refuge system and its endeavors to protect the beauty of the American landscape.

Dr. Montgomery has spent the last 15 years and given more than 10,000 hours of service protecting and improving the Bitter Lake National Wildlife Refuge in Roswell. He has done this for no compensation, motivated only by his concern and appreciation of the refuge. During his work, Dr. Montgomery played an integral role in many important projects, including: spearheading efforts to maintain and establish species on the refuge; providing support to community outreach and events service; and assisting refuge staff in their budget process. Dr. Montgomery also holds the position of treasurer for the

Friends of Bitter Lake nonprofit organization. Clearly his work on behalf of the refuge sustains the accessibility and natural beauty of one of New Mexico's treasures.

Bitter Lake is one of the 540 sites comprising the National Wildlife Refuge System and one of seven in New Mexico, Bitter Lake, Bosque del Apache, Grulla, Las Vegas, Maxwell, San Andres, and Sevillita. On these 540 refuges, 30,000 hard-working men and women annually donate more than 1 million hours of their time to protect, maintain, and improve our Nation's environmental resources. Given the impressive number of individuals worthy of praise, it gives me great pride as a New Mexican that Dr. James Montgomery has been chosen for this honor.

President Bush, in his State of the Union Address, spoke of building a more compassionate America; an America energized by individuals such as Dr. Montgomery who dedicate great portions of their lives to the generous spirit that has made this country great. Whether that spirit be embodied by volunteers who assist those in need, or by those who work to ensure that our natural wonders are preserved, all are necessary and vital to our existence as Americans.

Furthermore, it wouldn't do to discuss Dr. Montgomery without mentioning the program for which he has tirelessly worked. This March we celebrate a milestone in American wildlife conservation: the 100th Anniversary of the National Wildlife Refuge System. This momentous occasion is worthy of recognition because over the past century, normal citizens, along with the refuge system, have been at the forefront in protecting the unique beauty of the American landscape.

The National Wildlife Refuge System protects a wide range of wildlife and landscapes throughout the country. In particular, the refuges in the Southwest are necessary to secure the well being and survival of migratory birds, including the bald eagle, which make the area their home during the fall and winter months. The system concentrates also on scientific endeavors that span such fields as habitat alteration and biodiversity research. These efforts coincide with maintaining places of unspoiled natural beauty that can be enjoyed by all Americans.

New Mexico is privileged to have some of the most beautiful natural wonders within this great Nation. Wildlife refuges such as Bitter Lake in Roswell and Bosque del Apache in Socorro are perfect examples of the 100 years of success by the refuge system in ensuring the treasures of our environment are preserved and enjoyed for generations. Of course, the success would not be as great without the hard work, passion, and sacrifice of those dedicated volunteers like Dr. James Montgomery.

To that end I salute the National Wildlife Refuge System for its many successes and Dr. James Montgomery

for embodying the great spirit of charity and volunteerism that America cherishes.●

#### PRIME MINISTER HUN SEN TO BLAME FOR RIOTS

● Mr. McCONNELL. Mr. President, the Cambodia charade continues.

Recent riots in that Southeast Asian country—reportedly sparked by unfounded rumors of Thai slights against Khmer culture and history—caused extensive damage to Thai-owned businesses and property in Phnom Penh and the storming, looting, and destruction of the Thai Embassy. The failure of the Cambodian Government to defend Thai diplomats and the embassy compound from rioters is unacceptable, particularly in the post September 11 security environment. Further, the exploitation of the rumor by Prime Minister Hun Sen is as reckless as it is irresponsible.

In the aftermath of these riots, I have heard credible reports that democratic opposition and human rights activists are being targeted for intimidation and arrest. Given his tendency toward paranoia and violence, I do not doubt for an instant that these riots were staged by Hun Sen as, among other things, a pretext to crackdown on the democratic opposition in the run up to the July parliamentary elections.

Over the next few days, it is imperative that the international community not be duped by Hun Sen and the Cambodian Government into laying blame for the riots on the democratic opposition. It is time to help the Royal Government of Thailand to hold Hun Sen and the Cambodian government accountable for the destruction of property, the violation of democratic principles, and the damage to relations with its western neighbor.

The Cambodian authorities allowed the situation outside the Thai Embassy to escalate out of control. Riot and military police did nothing to maintain law and order until after extensive damage had been done throughout the capital. It is a simple and tragic fact that the Cambodian Government permitted this attack to take place. Their inaction during the riots stands in stark contrast to the brutal treatment illegal logging protesters received at the hands of the police a few short weeks ago.

The riots must serve as a wake-up call to complacent diplomats in Phnom Penh. As there is no law and order in Cambodia, your embassy could be next. I have not forgotten that in the mid-1990s Hun Sen threatened that Cambodians might "storm" the American and French embassies; unfortunately his warnings came true for Thailand.

With parliamentary elections scheduled for July, diplomats in Cambodia ought to be scrambling to protect and defend the rights of the democratic opposition to unseat Cambodia's unstable and violent dictator through peaceful and credible polls.

Cambodians can thank Prime Minister Hun Sen for chasing away foreign investors and tourists. This recent charade only underscores that he and the CPP are part of Cambodia's problems, and not part of the solution.●

#### MESSAGES FROM THE PRESIDENT

##### PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a 6-month periodic report prepared by my Administration on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH,  
THE WHITE HOUSE, January 29, 2003.

##### REPORT ON THE INTENT TO ENTER INTO A FREE TRADE AGREEMENT (FTA) WITH THE GOVERNMENT OF SINGAPORE—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

*To the Congress of the United States:*

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Singapore.

The Agreement we have negotiated promotes our commitment to secure a level playing field and open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free



trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our economic growth. They currently support the jobs of more than 12 million Americans.

Singapore is our 11th largest trading partner with total two-way trade in goods and services valued at \$38.8 billion in 2001. This FTA will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Singapore. This Agreement provides for substantial market access across the entire services sector and locks in Singapore's zero tariff rates on goods, including agriculture.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Singapore.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Singapore will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exports and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Singapore FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH,  
THE WHITE HOUSE, January 29, 2003.

# REPORT ON THE INTENT TO ENTER INTO A FREE TRADE AGREEMENT (FTA) WITH THE GOVERNMENT OF CHILE—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

## *To the Congress of the United States:*

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the "Trade Act"), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Chile.

The Agreement we have negotiated promotes our commitment to secure a level playing field and to open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our growth and currently support the jobs of more than 12 million Americans. In 2001, two-way trade of all goods and services between the United States and Chile totaled \$8.5 billion. This Agreement will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Chile.

In this Agreement, the vast majority of U.S. and Chilean goods will become duty-free immediately. Most remaining tariffs will be eliminated within 4 years and all tariffs and quotas will be eliminated over a 12-year period. Over three-quarters of U.S. farm goods will enter Chile duty-free within 4 years.

The United States is a global leader in services. This Agreement locks in substantial market access across the entire services sector.

Fair treatment of U.S. goods and services is important to increasing

market access. The Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Chile.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Chile will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exporters and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Chile FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH,  
THE WHITE HOUSE, January 29, 2003.

# TRANSMITTING PRESIDENTIAL DETERMINATION NO. 2002-30, RELATIVE TO THE AIR FORCE'S OPERATING LOCATION NEAR GROOM LAKE, NEVADA—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Environment and Public Works:

## *To the Congress of the United States:*

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 13, 2002, I issued Presidential Determination 2002-30 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2002-30 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure

of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH,  
THE WHITE HOUSE, January 29, 2003.

### MEASURES PLACED ON THE CALENDAR

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

S. 241. A bill to amend the Coastal Zone Management Act.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-838. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Transactions of Investment Companies With Portfolio and Subadviser Affiliates. (17CFR sections 270.10f-3, 270.12d3-1, 270.17a-6, 270.17a-10, 270.17d-1, and 270.17e-1) (3235-AI28)" received on January 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-839. A communication from the Deputy Secretary, Investment Management Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Condition for Use of Non-GAAP Financial Measures" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-840. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulations H—Reporting and Disclosure Requirements for State Member Banks With Securities Registered Under the Securities Exchange Act of 1934 (Doc. No. R-1129)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-841. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2003 Report on Foreign Policy-Based Export Controls, received on January 21, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-842. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency With Respect to Terrorist Who Threaten to Disrupt the Middle East

Peace Process that was declared in Executive Order 12947 of January 23, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-843. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to terrorist who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-844. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures Regulations; Cuban Assets Control Regulations; Publication of Economic Sanctions Enforcement Guidelines" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-845. A communication from the Deputy Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of rule entitled "Insider Trades During Pension Fund Blackout Periods (RIN 3235-AI71)" received on January 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-846. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development "Public Housing Total Development Cost (RIN2577-AC05)" received on January 21, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-847. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report relative to waiving the restrictions of the Cooperative Threat Reduction Act of 1993 subsection (d) of section 1203 with respect to the Russian Federation; to the Committee on Foreign Relations.

EC-848. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the proposed certification of a proposed license for export of defense articles of defense services sold commercially under a contract in the amount of \$50,000 or more to Russia, Ukraine and Norway"; to the Committee on Foreign Relations.

EC-849. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Addition to Quarantined Area and Applicability of Regulations (Doc. No. 02-1117-2)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-850. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly, Designation of Quarantined Area (Doc. No. 02-130-1)" received on January 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-851. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the Biennially report to congress on the continuing need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC-852. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, the report relative to the authorization of additional bankruptcy judgeships; to the Committee on the Judiciary.

EC-853. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Annual Report of the Nuclear Regulatory Commission, received on January 23, 2003; to the Committee on Governmental Affairs.

EC-854. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of Commercial Activities Inventory and Inherently Governmental Inventory, received on January 21, 2003; to the Committee on Governmental Affairs.

EC-855. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, the Annual Report (Year 2002) for the Office of Independent Counsel-Barrett; to the Committee on Governmental Affairs.

EC-856. A communication from the Office of Personnel Management, The President's Pay Agent, transmitting, pursuant to law, the report relative to justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, received on January 21, 2003; to the Committee on Governmental Affairs.

EC-857. A communication from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Federal Mediation and Conciliation Service under the Federal Managers' Financial Integrity Act (FMFIA) for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC-858. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, transmitting, pursuant to law, the report of a rule entitled "Final Rule Relating to Adjustment of Civil Monetary Penalties (RIN1210-AA95)" received on January 23, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-859. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Disability and Rehabilitation Research Projects Program, Capacity Building, Coordination, & Collaboration Projects" received on January 22, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-860. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations (Doc. No. 00N-1596)" received on January 21, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-861. A communication from the Acting Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting, pursuant to law, the report relative to the Tres Rios, Arizona, ecosystem restoration, flood damage reduction, and recreation project, received on January 27, 2003; to the Committee on Environment and Public Works.

EC-862. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission's Monthly report on the Status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-863. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Address Change for Submission of Reports"

received on January 16, 2003; to the Committee on Environment and Public Works.

EC-864. A communication from the General Counsel, Office of General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" received on January 27, 2003; to the Committee on Energy and Natural Resources.

EC-865. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistant Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Security Amendments To Implement Executive Order 12829, National Industrial Security Program (1991-AB42)" received on January 23, 2003; to the Committee on Energy and Natural Resources.

EC-866. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Returns and Return Information by Other Agencies" received on January 27, 2003; to the Committee on Finance.

EC-867. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "January-March 2003 Bond Factor Amounts (Rev. Rul. 2003-2)" received on January 14, 2003; to the Committee on Finance.

EC-868. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offshore Voluntary Compliance Initiative (Rev. Proc. 2003-11)" received on January 14, 2003; to the Committee on Finance.

EC-869. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of intent to publish regulations regarding definitions of early retirement benefit and retirement-type subsidy (Notice 2003-10)" received on January 14, 2003; to the Committee on Finance.

EC-870. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2003-01 (RP-134000-02)" received on January 14, 2003; to the Committee on Finance.

EC-871. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidation of Drawbridge Centers (T.D. 03-05)" received on January 23, 2003; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, without amendment:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. MCCAIN, without amendment:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG, without amendment:

S. Res. 38. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. GREGG, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 151. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 153. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

S. 205. A bill to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

\*John W. Snow, of Virginia, to be Secretary of the Treasury.

By Mr. HATCH for the Committee on the Judiciary.

Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

By Mr. WARNER for the Committee on Armed Services.

Paul McHale, of Pennsylvania, to be an Assistant Secretary of Defense.

Christopher Ryan Henry, of Virginia, to be Deputy Under Secretary of Defense for Policy.

Air Force nomination of Brig. Gen. William J. Lutz.

Air Force nomination of Col. Jarisse J. Sanborn.

Army nomination of Maj. Gen. Thomas F. Metz.

Navy nomination of Rear Adm. Albert T. Church III.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Anthony E. Musella, Jr.

Air Force nomination of Steven B. Wallis.

Air Force nominations beginning Sara M. Devine and ending Michael H. Quinn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning James F. Barber and ending Donald G. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Joseph M. Koroluk and ending Ricky J. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Patrick W. Behan and ending Jamie L. Saives, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Hossam E. Ahmed and ending Brett W. Perkins, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Robert A. Bazylak and ending Mark S. Smyczynski, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Deborah L. Aspling and ending Candace W. Woodham, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Andrew A. Akelman and ending Steven Zebich, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Michael L. Bell and ending Glenn L. Spitzer, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Roosevelt Allen, Jr. and ending Arjen L. Vandevoorde, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Peter A. Bauer and ending Christopher M. Zahn, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nomination of Ronald D. Harris. Army nominations beginning William T. Barto and ending Bradley P. Stal, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Air Force nominations beginning Frank W. \* Allara, Jr. and ending Glynis D. \* Wallace, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Nancy M. Acampado and ending James H. Yao, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Gregory A. \* Abrahamian and ending Gregory B. \* York, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Sameh G. Abuerreish and ending Michelle K. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning James L. \* Agler, Jr. and ending Beverly A. Woods, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Laura S. \* Barchick and ending Donald E. \* Witmyer, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nominations beginning Wayne H. Albright and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 13, 2003.

Air Force nomination of Richard L. Sar-gent.

Air Force nomination of Richard L. Neel.

Air Force nomination of Joel C. Carlson.

Air Force nomination of Scott C. Paul.

Air Force nomination of Steven E. Ritter.

Air Force nominations beginning Michael L. A. Holland and ending Parimal R. \* Patel, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Sallye J. Allgood and ending Yvonne L. Tuckerharris,

which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Leonard I. Cancio and ending Kathleen S. Zurawel, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Kathleen W. Carr and ending Robert G. Webb, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Kenneth T. Gareau and ending Paola M. Oflaherty, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Olin O. Oedekoven and ending Matthew D. Urbanek, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Marine Corps nomination of John A. Manning.

Marine Corps nomination of Michael E. Rodgers.

Marine Corps nomination of Samuel S. Scialabba.

Marine Corps nominations beginning Daniel W. Alexander and ending Jan-Hendrik C. Zurilippe, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Navy nominations beginning Frederick J. Adams III and ending Andrea G. Nashold, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Navy nomination of Ian G. McLeod.

Navy nomination of Michael S. Moeller.

Air Force nomination of David G. Young III.

Air Force nominations beginning Edward D. Peterson and ending William M. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Benedict N. Antonecchia and ending Thomas S. Tucker, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Britta A. Anderson and ending Deborah C. Messecar, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Lewis A. Brandes and ending Charles A. Walden, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Walter S. \* Adams and ending George T. \* Youstra, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Air Force nominations beginning Michael Aluker and ending Scott A. Zakaluzny, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning Paul A. Baker and ending Frank E. Ziemkiewicz, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning Michael P. Boehman and ending Scott F. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Army nominations beginning White A. \* Baxter and ending Jennifer S. \* Zucker, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Marine Corps nomination of Larry A. Dickey.

Marine Corps nominations beginning Harald Aagaard and ending Robert C. Zyla, which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2003.

Navy nomination of Eric W. Herbert.

Navy nomination of Jay R. Frohne.

Navy nomination of Adrian D. Talbot.

Navy nomination of Evangeline D. Smith.

Marine Corps nomination of Daniel P. Hudson.

Air Force nomination of Margaret C. Gram.

Air Force nomination of James V. English.

Air Force nominations beginning James C. Balserak and ending Martin E. Sellberg, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2003.

Air Force nomination of Timothy H. Lewis.

Air Force nomination of Howard S. Loller.

Army nomination of John F. Neptune.

Army nomination of Charles E. Swallow.

Army nomination of Wayne C. Hollenbaugh.

Army nomination of Joseph T. Hughes.

Army nomination of Gregory T. Bramblett.

Army nomination of Allen C. Whitford.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### NOMINATION DISCHARGED AND CONFIRMED

The following nomination was discharged and confirmed from the Committee on Governmental Affairs, January 30, 2003:

##### DEPARTMENT OF HOMELAND SECURITY

Gordon England, to be Deputy Secretary of Homeland Security.

#### 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 Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW):

S. 248. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mrs. HUTCHISON):

S. 249. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

S. 250. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself and Mr. BREAUX):

S. 251. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HAGEL, Mr. ROBERTS, and Mr. DOMENICI):

S. 252. A bill to amend the Internal Revenue Code of 1986 to provide special rules relating to the replacement of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. REID, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Mr. GRASSLEY, Mr. DORGAN, Mr. KYL, Mr. EDWARDS, Mr. SESSIONS, Mr. BAUCUS, Mr. DEWINE, Mr. WARNER, Ms. CANTWELL, Mr. NICKLES, Mr. CONRAD, Mr. BURNS, Ms. LANDRIEU, Mr. CRAIG, Mr. DOMENICI, Mr. DAYTON, Mrs. FEINSTEIN, Mr. CORNYN, Mrs. LINCOLN, Mr. ALLEN, Mr. SANTORUM, Mr. MCCONNELL, Mr. BUNNING, Mr. NELSON of Nebraska, Mr. INHOFE, and Ms. STABENOW):

S. 253. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 254. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. CANTWELL, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, and Mrs. CLINTON):

S. 255. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SANTORUM, and Mr. LIEBERMAN):

S. 256. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Mr. INOUE, Mr. LEVIN, Mr. BINGAMAN, Mr. KERRY, Mr. BREAUX, Mr. CONRAD, Mr. JOHNSON, Ms. LANDRIEU, Mr. SESSIONS, and Mr. NELSON of Nebraska):

S. 257. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 258. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. 259. A bill to expand the eligibility for membership in veterans organizations; to the Committee on Finance.

By Mr. HARKIN (for himself and Ms. STABENOW):

S. 260. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Ms. LANDRIEU, Mr. SARBANES, Mrs. LINCOLN, Mrs. MURRAY, Mr. LEVIN, Mr. CORZINE, Mrs. CLINTON, Mr. JOHNSON, Mr. AKAKA, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG, and Mr. REED):

S. 261. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. MURRAY, Mr. WYDEN, Mr. DODD, and Mr. REED):

S. 262. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 263. A bill to amend part A of title IV of the Social Security Act to require a comprehensive strategic plan for the State temporary assistance to needy families program and to give States the flexibility to implement innovative welfare programs that have been effective in other States; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 264. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. SCHUMER, and Mrs. CLINTON):

S. 265. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. SCHUMER):

S. 266. A bill to provide for the access and handling by personnel of State and local governments of classified information to facilitate preparation and response to terrorist attacks, and for other purposes; to the Select Committee on Intelligence.

By Mr. McCAIN:

S. 267. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 268. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. ENSIGN, Mr. WYDEN, Mr. LEVIN, and Mr. SMITH):

S. 269. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Ms. CANTWELL, and Mr. ROCKEFELLER):

S. 270. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. CORZINE, Mr. SCHUMER, and Ms. SNOWE):

S. 271. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. BAYH, Mr. HATCH, Ms. LANDRIEU, Mr. SMITH, Mr. NELSON of Florida, Mr. TALENT, Mr. LUGAR, Mr. FRIST, and Mr. MILLER):

S. 272. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. DOMENICI:

S. Res. 36. An original resolution authorizing expenditures by the Committee on Energy & Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 38. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. GREGG:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. Res. 40. A resolution reaffirming congressional commitment to title IX of the Education Amendments of 1972 and its critical role in guaranteeing equal educational

opportunities for women and girls, particularly with respect to school athletics; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 101

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 101, a bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

S. 138

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 145

At the request of Mr. KYL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 151

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 151, a bill to amend title 18, United States Code, with respect to the sexual exploitation of children.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 185, a bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. NELSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 229

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Louisiana (Mr. BREAU) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 238

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 238,

a bill to reauthorize the Museum and Library Services Act, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mrs. HUTCHISON):

S. 249. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

Mrs. CLINTON. Mr. President, today my colleague Senator KAY BAILEY HUTCHISON and I are reintroducing a bill that will help repay our Nation's debt to the Gold Star Wives of America.

This bill corrects a long-standing disparity and would finally allow the widows of veterans who remarry after the age of 55 to continue to receive Dependency and Indemnity Compensation. The Gold Star Wives of America brought this matter to our attention. We are tremendously grateful to them for working with us on this important bill. At this time in our Nation's history, when our brave men and women in uniform are putting their lives on the line in Afghanistan and elsewhere around the world, it is especially important to recognize the wives and families of those who have already served their country so proudly.

This benefit covers the surviving dependents of members of the Armed Forces who have died in active duty or of a service-connected cause. Currently, it is the only Federal annuity program that does not permit a widow who receives compensation to retain her benefits if she remarries after the age of 55. It is time for this policy to change.

By eliminating this marriage penalty, our bill will continue to provide these women the help some need to make ends meet, and will allow them to live their lives to the fullest. Discouraging marriage after the age of 55 by making marriage financially burdensome is not the way to show our appreciation for their sacrifice. Many people live on fixed incomes and rely on Dependency and Indemnity Compensation to help pay their bills.

Under our bill, these widows would not be denied their benefits. I urge my colleagues to support this important legislation. It is time for these inequities to be addressed, so that these women can continue to receive the benefits they deserve, and also be permitted to experience again the profound meaning and happiness that marriage brings.

I ask unanimous consent that the text of the bill, to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency

and indemnity compensation otherwise payable to that surviving spouse, be printed in the RECORD.

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

S. 249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RETENTION OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES REMARRYING AFTER AGE 55.

(a) EXCEPTION TO TERMINATION OF BENEFITS UPON REMARRIAGE.—Section 103(d)(2)(B) of title 38, United States Code, is amended by inserting "1311 or" after "under section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(c) RETROACTIVE BENEFITS PROHIBITED.—No benefit may be paid to any person by reason of the amendment made by subsection (a) for any period before the effective date specified in subsection (b).

By Mr. DURBIN:

S. 250. A bill to address the international HIV/AIDS pandemic; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to draw the attention of the Senate and those following this proceeding to a global emergency many of us believe the last Congress did not adequately address.

Imagine the public reaction that would ensue if every year the United States lost a population the size of the city of Chicago to HIV/AIDS-related deaths; if every year the United States lost the number of children equal to the population of this city, Washington, DC, to HIV/AIDS-related deaths. This is the reality the world faces.

Imagine how bad the situation would have to be in the United States for the public to accept an HIV-positive muppet on Sesame Street, the popular television show geared to little kids ages 2 to 4. This is the reality of children's TV in South Africa.

In 2001, 662,000 children lost either one or both parents to AIDS in South Africa.

In 2002, 3 million children, defined as 15 years of age or younger, were reported to be living with AIDS in sub-Saharan Africa; 800,000 children worldwide were newly infected with HIV last year.

Last weekend I went with several of my colleagues to Haiti. The reason for that trip had a lot to do with a well-known rock singer named Bono whose group U2 is legendary in rock-and-roll history. But he has taken on a special mission, not only to make music, but to make the world more aware of the HIV/AIDS crisis. He is a very likable fellow. He has been a great lobbyist. This Irishman comes to Capitol Hill and opens every door.

In my office, when he came to see me, I couldn't get over how many of my staffers took a great interest in HIV/AIDS just to be in the room when he sat down and talked about it. He has done such spectacular work with Democrats and Republicans, the executive branch, and the legislative branch. Then he had a tour, which was scheduled about 2 or 3 months ago, in the Midwest. The tour was really to speak to the heartland of America about this issue of HIV/AIDS. He came to my City of Chicago. I was proud to meet with him and a group of African American clergy.

Then he went out to a very conservative piece of real estate near the City of Chicago, the great Wheaton College. Wheaton College was where Billy Graham took his training before he went into the ministry. Wheaton College has a reputation of being pretty conservative, high-minded in their values, dedicated to their religion and their belief. And they invited him, this outspoken Irishman, to speak to them about HIV/AIDS. It was a great presentation.

At the very end there was some music, but most of it was very serious in that people talked about their life experiences. The thing I noticed, as the presentation was made, was that one of the doctors said: You Americans tend to want to look across the ocean for HIV/AIDS. You have it here in the United States, and don't forget it. But you also have it in your hemisphere in Haiti in a way that most people don't even appreciate.

Last weekend I traveled to Haiti with several of my colleagues, including Senator BILL NELSON of Florida. But the leader of our codel was Senator MIKE DEWINE, a Republican of Ohio, and his wife Fran. Let me just say something for a moment about MIKE DEWINE. MIKE and I had been friends since we were both elected to the House 20 years ago. He left for a period of time and ran for Lieutenant Governor of Ohio, then came back as a Senator from that State.

Most people don't know MIKE and his wife and family have a particular interest and dedication to Haiti and the poor people who live there. This trip was their eleventh trip to Haiti. Many Members of Congress are lucky to go to the same place far away once or twice in a lifetime. Think about the fact that MIKE and Fran, people on their staff, continue to return to one of the poorest places on earth over and over and over again. It isn't just to take photographs. In fact, they do very little of that. It is to bring bags of toys and soccer balls, basic items, medical and otherwise, that the poorest people in our hemisphere need, to visit programs like one called Hands Together. Hands Together is something I never heard of before I got to Haiti, but I met Father Tom Hagan, who is the leader of Hands Together in Haiti, and Doug Campbell, his executive director, and they showed us a center which they have created in



one of the poorest slums on earth. It is called Cite Soleil. My French translation would be Sun City. But it is not always sunny in this city for the tens of thousands who live in the worst poverty.

They created this little school and community center to teach children how to read and write on the condition that their parents also come in and learn. They provide basic food for these children. They invite in senior citizens who come in for the only meal of the day that is worthwhile, and they try to give them some encouragement and maybe some basic things they need to survive.

They told us a story about the senior citizens being brought to the center. There is no place for them to go in this terrible slum. When they first started bringing them in, most were brought in in wheelbarrows. They could barely walk. The life expectancy in Haiti is 51 years of age. If you are 60 or 70—I met people who are even older—it is a rarity, but you obviously have some good genetics. But they were still struggling.

At their center with Hands Together they offered these senior citizens a basic meal. I saw it. It was beans and rice with a few little peppers on the top of it, and a vitamin pill. In a matter of weeks, these same elderly people, who could barely walk and were brought in in wheelbarrows, were up and moving around, thanks to Hands Together and to Father Hagan.

There is also the center where the kids are educated, called the Becky DeWine Center, named after MIKE and Fran's late daughter. It is wonderful to see those children come in in their uniforms, 6 days a week. They want to be there, learning.

The reason I tell you this as background is that amidst all this poverty, Haiti faces an AIDS epidemic which is unparalleled in our hemisphere. When Bono visited Wheaton College, he said to the students: This is a global crisis. It is in our backyard in the Caribbean. It is all across Africa. It is moving across India and Russia and China. We have to do something about it.

It was that piece of information that led me to go to Haiti. I am glad I did. We set up a meeting at the ambassador's residence. Ambassador Brian D. Curran is our career ambassador. Previously he had been the ambassador to Mozambique. He let us meet with Bill Pape, who is known as "Dr. Pop" in the French pronunciation. What an impressive man. Here was a man who told us how he had decided as a public health leader in one of the poorest countries to try to eliminate the deaths of children, infants, from diarrhea, a terrible problem in the Third World. These poor children, who drink water that is contaminated, get sick with diarrhea and throwing up, become dehydrated and die.

They put together a program that has virtually eliminated that as a challenge in Haiti. I am impressed. That is

a big undertaking, and a lot of success was demonstrated. Now Dr. Pape and his organization, known as GHESKIO, an organization that is one of the earliest in terms of commitment to dealing with HIV and AIDS, have received a \$10 million-plus grant from the Global AIDS Fund to take on the AIDS epidemic in Haiti. Already he is able to demonstrate on the chart that just their first year or two of activity, the AIDS rate of infection is starting to come down ever so gradually. He believes he is on the right course to deal with this epidemic.

Do you know where the Global AIDS Fund money comes from? Some of it comes from us, taxpayers who contribute to the Global AIDS Fund. As we contribute and he is successful, fewer children are infected; fewer children are orphaned. There is more hope for their future.

I left that visit to Haiti inspired again, as I am every time I visit some of the poorest places in the world. You might think it is depressing to see people living in the worst squalor imaginable, to see them holding beautiful little babies as they stand right next to open sewers that pigs are rooting through, to see dogs that are so skinny they can barely walk, to see the living conditions which are so horrible. You would think that would be so depressing, but you will find in every one of these places stories of courage, not just the mothers and fathers struggling to keep the family together, but people like Father Tom Hagan and Hands Together and Doug Campbell who come into that setting and say: Let us help.

There are many others. I just mentioned Hands Together. There is World Vision, CARE, Catholic Relief Services. The list goes on. Thank goodness they are there. I am glad I had a chance to see it.

When we came back here to Washington, I came back with a renewed dedication and determination to really work on this issue of global AIDS.

Today, I am introducing the Global Coordination of HIV/AIDS Response Act. The 107th Congress failed to pass AIDS authorizing legislation. We should have. President Bush has said in his State of the Union Address that AIDS will be a top priority in terms of global health.

I am a proud Democrat. I take exception to many things this President has done. Let me be the first to stand up and cheer President George W. Bush. That was the right thing to do. That is the right thing for America to do. I will be standing by his side whenever he needs me. I hope we all join him. The United States should lead the world in fighting this epidemic.

The President said he is going to commit \$15 billion over the next 5 years to his new emergency plan for AIDS relief. He said only \$10 billion of this is new funds. We need to sit down with OMB and see what that actually means. The funding sources may be somewhat blurry, but the commitment

was made, and that is a wonderful step forward.

I also want to say that the Secretary of State, Colin Powell, has been an exceptional leader on this issue. He has taken grief for it because it involves some issues of controversy here in the United States.

Uganda—where I visited several years ago—successfully fought the AIDS epidemic with what they call the ABC plan, a public health education plan which doesn't have a lot of money for wonder drugs, but it has a lot of determination and resources dedicated to fighting AIDS. The ABC plan is very basic in countries with limited education, limited resources: A, abstinence when it comes to sexual activities; B, to be faithful to one partner; C, if you are going to ignore the other two, use a condom. It is that simple.

The PRESIDING OFFICER. The Senator has exceeded the 10-minute limit.

Mr. DURBIN. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Secretary of State Colin Powell has been open and candid about using all of these things to deal with AIDS. When I told him Senator MIKE DEWINE and I had been successful on the Senate floor in putting in \$180 billion more on the global AIDS fight, a big smile crossed his face.

Today, 42 million people worldwide are living with HIV/AIDS—5 million were newly infected last year. We have seen 3.1 million AIDS-related deaths in 2002. Each year, AIDS deaths claim more than the entire population of Chicago. Life expectancy has dropped below 40 years of age in 10 countries in sub-Saharan Africa. AIDS has already erased 15 years of progress in the worse affected countries. Despite our efforts to date, this epidemic continues its deadly spread across the globe. As the disease spreads, unraveling social structures and decimating populations, the national security implications for the United States multiply—in number as well as intensity.

Last year, the National Intelligence Council released a report supplying grave statistics for "the next wave." In 5 of the world's most populous countries, the number of HIV-infected people will grow from 14 million to 23 million currently to an estimated 50 million to 75 million by 2010.

The disease infiltrates national armies, as well as the public sector, weakening the country's ability to govern and respond to regional threats. As the number of infections grows, the cost of fighting HIV/AIDS overwhelms national governments and competes for the same funds they need to maintain their economy and basic social structure.

Most governments face a lose-lose situation: Either they fight AIDS and underfund the infrastructures necessary to sustain continued immunity, or they continue to build the infrastructures while HIV/AIDS decimates

any progress, and they fall victim to it and watch their state crumble.

On every continent, AIDS is traveling along social fault lines and exploiting the weaknesses, hurting both lives and economies.

HIV/AIDS is a national security issue that is as important to our time as the war on terrorism. It is an economic issue, a health and safety issue, and it is a moral issue. Without comprehensive action, the HIV/AIDS epidemic will worsen, demanding even more attention and funding. That is why I introduce this bill to reset global AIDS as a top priority in this Congress.

The main purpose of the bill is to provide a comprehensive response to the AIDS pandemic and acknowledge the growing need for resources. In the form of specialized initiatives, my bill will focus on the growing number of AIDS orphans, the lack of health professionals in AIDS-ravaged countries, and the lack of access to affordable treatment for the majority of those afflicted with HIV/AIDS.

I have designed the Global CARE Act to achieve four major goals: Better coordination of our own agencies in fighting global AIDS; the provision of programs that address all components necessary to support a comprehensive response to HIV/AIDS, including prevention, treatment, care, and investment in broader health systems and national economies; increased accountability for the health and policy objectives we will seek to achieve with our financial and human investment; and the ability to mobilize the most effective human capacity-building tools to address the HIV/AIDS pandemic.

Last year, I introduced a version of this bill which authorized \$2.5 billion in global AIDS spending for fiscal year 2003. For fiscal year 2004, I have proposed authorization levels of \$3.35 billion. The United States, unfortunately, only contributed \$1 billion to fighting this epidemic in 2002. With the passage of the Durbin-DeWine amendment, the Senate allocated \$1.525 billion in its fiscal year 2003 appropriations bills. This is a breakthrough—a 50-percent increase by the United States in its commitment.

But these funding levels are still far short of the goal. To meet the need, our target for fiscal year 2004 should be in the \$3.35 billion range. Frankly, when you look at the world this year, the global need just to fight HIV/AIDS stands at \$8.2 billion. Despite these good efforts by the United States, we can do more. But other countries in the world can do more as well. Let them join the President and the Congress in our commitment to this fight. We have been shortchanging this epidemic for too long. We take tiny steps in pursuit of a challenge that is racing away from us.

Because the spread of this disease remains in its infancy, we have to look at it in more serious terms. We must do more for the 42 million people worldwide who are living with HIV/

AIDS, and we have to understand that the disease is not going to wait for our political determination.

A 15-year-old boy in Botswana faces an 80-percent chance of dying from AIDS. We have to change his future. To do that, the Global CARE Act addresses this epidemic aggressively and honestly. I hope this bill will provide a basic blueprint for the United States, and I hope we can join on a bipartisan basis in passing it. I hope my colleagues who read my remarks and follow this debate will believe, as I do, that the President has given us a great opportunity on a bipartisan basis to stand together and tell the world that this caring Nation is committed to dealing honestly and effectively with the global AIDS crisis.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. REID, Mr. GRAHAM of South Carolina, Mr. SCHUMER, Mr. GRASSLEY, Mr. DORGAN, Mr. KYL, Mr. EDWARDS, Mr. SESSIONS, Mr. BAUCUS, Mr. DEWINE, Mr. WARNER, Ms. CANTWELL, Mr. NICKLES, Mr. CONRAD, Mr. BURNS, Ms. LANDRIEU, Mr. CRAIG, Mr. DOMENICI, Mr. DAYTON, Mrs. FEINSTEIN, Mr. CORNYN, Mrs. LINCOLN, Mr. ALLEN, Mr. SANTORUM, Mr. MCCONNELL, Mr. BUNNING, Mr. NELSON of Nebraska, Mr. INHOFE, and Ms. STABENOW):

S. 253. A bill to amend title 18, United States Code to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Law Enforcement Officers Safety Act of 2003. I am also especially pleased to have Senators PATRICK LEAHY and ORRIN HATCH joining me today as lead original cosponsors.

The Law Enforcement Officers Safety Act would permit qualified current and former law enforcement officers to carry concealed firearms across jurisdictions. This legislation has several important benefits. First, the American public will be safer as off-duty and retired law enforcement officers are allowed to carry concealed weapons as they travel across jurisdictions. If enacted into law, the basic net effect of this legislation will be thousands of additional police officers on the streets, at zero taxpayer expense. There are many examples of off-duty officers coming to the rescue of American citizens facing dire situations. Hopefully, with this bill's passage, we will hear about even more of these stories in the future.

Terrorists and violent criminals certainly will not be happy when this bill is passed. They will have additional worries, and hopefully may be deterred, because they will not be sure whether or not seemingly average citizens are actually off-duty or retired law en-

forcement officers who are armed, trained and ready to deal with whatever situation may arise.

This legislation will also help off-duty and retired law enforcement officers protect themselves and their families. All too often, after they are released from prison, violent criminals seek revenge against the law enforcement officers who helped lock them away. While at a minimum this legislation will even the playing field for off-duty and retired law enforcement officers, I hope that it will go further and actually give them an advantage.

This important law enforcement legislation is especially meaningful to me for a number of reasons. First of all, through six years of service as a Deputy Sheriff with Sacramento County, California, I was able to get first-hand experience with the challenges facing our nation's law enforcement officers. As a Deputy Sheriff, I have personally patrolled the streets and encountered plenty of dangerous characters, far too many of which were armed and dangerous. I also clearly learned that a law enforcement officer's job does not necessarily end when he or she is off-duty since you never know when you may come face-to-face with violent criminals.

Finally, now that I serve as a U.S. Senator, I have made passing pro-law enforcement legislation one of my top priorities.

Previous versions of this legislation have enjoyed the support of over one hundred national, state and local law enforcement organizations. The Fraternal Order of Police is a key leader among those organizations. For many years now, the FOP has supported passage of this legislation. I am encouraged that the FOP has made it clear that we will be working together once again in our efforts to get this bill passed and signed into law by President Bush. I want to take a moment to express my appreciation for Chuck Canterbury, National President of the FOP, the rest of the FOP's professional staff and the over 300,000 members of the FOP they represent, for the letter of support for the Law Enforcement Officers Safety Act of 2003.

I am pleased that Judiciary Committee Chairman ORRIN HATCH and Ranking Democratic Member PATRICK LEAHY are playing vital roles in advancing this legislation as lead original cosponsors. Over the years, I have championed a number of legislative initiatives aimed at helping our nation's law enforcement officers be better supported and protected as they go about their mission of protecting the American people. These accomplishments include a public law that continues to help state and local law enforcement officers acquire life saving bullet-proof vests and a federal grant-making program that helps our nation's schools acquire the School Resource Officers they need to reduce the threat of violence in our public schools. Senators LEAHY and HATCH have played

important roles in getting each of these legislative initiatives accomplished.

The key goal of the Law Enforcement Officers Safety Act I am introducing today has been one of my law enforcement legislative priorities since I first introduced similar legislation back in 1997 during the 105th Congress. Since that time, I have introduced the legislation twice more, in 1999 and 2001. Fortunately, the Judiciary Committee made good progress on conceal carry legislation late last year before the 107th Congress completed its work for the year. As we begin anew in the 108th Congress, I hope we will be able to recapture the momentum and finally get this legislation passed and enacted. Just as we worked together in past years to get things done, I look forward to working with Senators LEAHY and HATCH to do what it takes to successfully turn this worthy legislation into the law of the land. Many years of work and persistence may finally be paying off for all of us, especially our nation's law enforcement officers.

It is worth noting that the Law Enforcement Officers Safety Act of 2003 legislation being introduced here today enjoys the strong bipartisan support of thirty-one of my fellow Senators as original cosponsors. I urge the rest of my colleagues to join us in supporting the successful passage of this important Campbell-Leahy-Hatch legislation.

I ask unanimous consent that the text of the legislation I am introducing today, the Law Enforcement Officers Safety Act of 2003, and the Fraternal Order of Police's letter of support, be included in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, AS FOLLOWS:

GRAND LODGE,  
FRATERNAL ORDER OF POLICE,  
Washington, DC, January 24, 2003.

Hon. BEN NIGHTHORSE CAMPBELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the more than 300,000 members of the Fraternal Order of Police, I am writing to advise you or our strong support for legislation you intend to introduce to exempt qualified active and retired law enforcement officers from State and local prohibitions with respect to the carrying of firearms. The passage of this legislation has been designated the top legislative priority of the Fraternal Order of Police and we are proud to have a former law enforcement officer as the sponsor of this bill.

Having served six years as a Deputy Sheriff in Sacramento County, you know firsthand the challenges faced by our nation's law enforcement officers. Police officers put their lives on the line every day and are trained throughout their careers to carry and, in worst-case scenarios use, firearms to defend themselves and the public they are sworn to protect. However, the bewildering patchwork of laws in the States often results in a paradox for law enforcement officers, sometimes placing them in legal and physical jeopardy. Criminals and terrorists do not disarm themselves when they travel from jurisdiction to

jurisdiction, and neither should America's police officers.

This is not about firearms—it is about officer safety. After 11 September 2001, it became an important public safety and homeland security issue as well.

The danger inherent to police work and the possibility that an officer will need to respond to an emergency situation does not end with the shift. Criminals and terrorists are never off-duty, making law enforcement officers targets in uniform and out, on duty and off, active or retired. The legislation you intend to offer will give us the ability to defend ourselves at all times by providing qualified active and retired law enforcement officers with the authority to carry their firearms in all U.S. jurisdictions, so long as they have photographic identification issued by the agency for which they are or were employed.

I applaud you for your leadership and you continuing efforts on behalf of our nation's law enforcement officers. It is our hope that we will finally be able to get a bill to the President's desk in this Congress, and we look forward to working with you on this issue. Please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office if we can be of any assistance on this or any other matter.

Sincerely,

CHUCK CANTERBURY,  
National President.  
S. 253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Safety Act of 2003".

#### SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

##### "§ 926B. Carrying of concealed firearms by qualified law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

"(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

"(2) is authorized by the agency to carry a firearm;

"(3) is not the subject of any disciplinary action by the agency;

"(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm; and

"(5) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is the photographic identification

issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.

"(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of title 26);

"(2) any firearm silencer (as defined in section 921); and

"(3) any destructive device (as defined in section 921)."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified law enforcement officers."

#### SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

##### "§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

"(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

"(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

"(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

"(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

"(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms; and

"(6) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is photographic identification issued by the agency for which the individual was employed as a law enforcement officer.

"(e) DEFINED TERM.—As used in this section, the term 'firearm' does not include—

"(1) any machinegun (as defined in section 5845 of title 26);

"(2) any firearm silencer (as defined in section 921); and

"(3) a destructive device (as defined in section 921)."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

Mr. LEAHY. Mr. President, I am proud to join Senator CAMPBELL to introduce the “Law Enforcement Officers Safety Act of 2003,” which permits current and retired law enforcement officers to carry a firearm and be prepared to assist in dangerous situations. During his time in the Senate, Senator CAMPBELL has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the difficulties law enforcement officers face due to the patchwork of conceal-carry laws in State and local jurisdictions. He and I have worked together on several pieces of law enforcement legislation, such as the Bulletproof Vests Partnership Grant Acts of 1998 and 2000. I look forward to working with him on our bipartisan bill.

I am pleased that 30 Senators, including Judiciary Committee Chairman HATCH and Committee Members SCHUMER, EDWARDS, FEINSTEIN, GRASSLEY, KYL, SESSIONS, DEWINE, CRAIG, GRAHAM, and CORNYN, as well as Assistant Democratic Leader REID and Assistant Republican Leader MCCONNELL—have joined Senator CAMPBELL and me as original cosponsors of this bill in an effort to make our communities safer and better to protect law enforcement officers and their families. In the last Congress, Senator HATCH and I worked together to reach consensus and have the Judiciary Committee approve this legislation by an 18-1 vote. I thank Senator HATCH for his past support and look forward to working with him again on our bipartisan bill.

We introduce this measure in the Senate at the request of the Fraternal Order of Police, which strongly supports this legislation to protect officers and their families from vindictive criminals and to permit officers to respond immediately to a crime when off duty. Last year, when I chaired the Judiciary Committee, I was honored to work closely with FOP's National President, Lt. Steve Young, whose death earlier this month was a sad loss for all of us. Steve was dedicated to this legislation because he understood the importance of having law enforcement officers across the nation armed and prepared whenever and wherever threats to our peace or to our public safety arise. I will continue my close work with the FOP and its new National President, Major Chuck Canterbury, to pass this legislation into law.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Since the first recorded police death in 1792, there have been more than 16,400 law enforcement officers killed in the line of duty. A total of 1,694 law enforcement officers died in the line of duty over the last decade, an average of 170 deaths per year. Roughly 5 per-

cent of officers who die are killed taking law enforcement action while in an off-duty capacity. On average, more than 62,000 law enforcement officers are assaulted each year, resulting in some 21,000 injuries.

Until 2001, violent crime in this country had declined each of the preceding 8 years. Indeed, it had declined by 40 percent since it peaked at 4 million violent crimes in 1993. Community policing and the outstanding work of so many law enforcement officers played a vital key in our crime control efforts. Unfortunately, during the past two years the downward trend in violent crime ended and violent crime turned upward. Last month, the FBI reported that crime rose slightly in the first half of 2002, including a 2.3 percent increase in murders. The preliminary numbers for 2002 follow an increase in crime in 2001 that was the first in a decade, coinciding with a struggling economy that many experts say could be a contributing factor. Crime rose in 2001 by 2.1 percent, compared with the year before.

The Law Enforcement Officers Safety Act of 2003 is designed to protect officers and their families from vindictive criminals and to allow thousands of equipped, trained and certified law enforcement officers, whether on or off duty or retired, to carry concealed firearms in most situations, thus enabling them to respond immediately to a crime. Our bipartisan bill will allow thousands of equipped, trained and certified law enforcement officers continually to serve and protect our communities, regardless of jurisdiction, and at no cost to taxpayers.

To qualify for the bill's uniform standards a law enforcement officer must be authorized to use a firearm by the law enforcement agency where he or she works, meet the standards of the agency to regularly use a firearm, not be prohibited by Federal law from receiving a firearm, and be carrying a photo identification issued by the agency.

A qualified retired law enforcement officer under the bill must have retired in good standing, have been qualified by the agency to carry or use a firearm, have been employed at least 15 years as a law enforcement officer unless forced to retire due to a service-connected disability, have a nonforfeitable right to retirement plan benefits of the law enforcement agency, annually meet State firearms training and qualifications that are the same as active law enforcement officers, not be prohibited by Federal law from receiving a firearm, and be carrying a photo identification issued by the agency.

I have heard from many representatives of the law enforcement community, including the Fraternal Order of Police, the National Association of Police Officers, the Federal Law Enforcement Officers Association, the International Brotherhood of Police Officers, and the California Correctional Peace Officers Association, CCPOA,

that national legislation is necessary because of the current patchwork of state and local conceal-carry laws. I have also received letters of support for the Law Enforcement Officers Safety Act from a variety of Vermont law enforcement officials, including Chief Osburn Glidden of Williston, Officer Wade Johnson of Hinesburg, Chief Trevor Whipple of Barre, Officer Bonnie Hotchkiss of Barre, Sergeant Mike Manning and Sergeant David Yustin of the Vermont State Police, and nine Field Supervision Correctional Officers assigned to the Vermont Department of Corrections Barre Community Correctional Service Center.

As a former State prosecutor, I know that law enforcement officers are never “off-duty.” They are dedicated public servants trained to uphold the law and keep the peace. When there is a threat to our public safety, law enforcement officers are sown to answer that call. The Law Enforcement Officers Safety Act will enable law enforcement officers in Vermont and across the nation to be armed and prepared when they answer that call, no matter where, when, or in what form it comes.

I urge my colleagues to support the Law Enforcement Officers Safety Act to make our communities safer and to protect law enforcement officers and their families.

Mr. HATCH. Mr. President, today I rise along with senators CAMPBELL, LEAHY, and others to introduce the “Law Enforcement Officers Safety Act of 2003.” This bill, which permits qualified current and retired law enforcement officers to carry a concealed firearm in any jurisdiction, will help protect the American public, our Nation's officers, and their families. I would note that this bill has the overwhelming support of the Fraternal Order of Police and other law enforcement associations.

This legislation allows qualified law enforcement officers and retired officers to carry, with appropriate identification, a concealed firearm that has been shipped or transported in interstate or foreign commerce regardless of State or local laws. Importantly, this legislation does not supersede any State law that permits private persons to prohibit or restrict the possession of firearms on any State or local government properties, installations, buildings, bases or parks. Additionally, this bill clearly defines what is meant by “qualified law enforcement officer” and “qualified retired, or former, law enforcement officer” to ensure that those individuals permitted to carry concealed firearms are highly trained professionals.

Such legislation not only will provide law enforcement officers with a legal means to protect themselves and their families when they travel interstate, it will also enhance the security of the American public. By enabling qualified active duty and retired law enforcement officers to carry firearms, even if

off-duty, more trained law enforcement officers will be on the street to enforce the law and to respond to crises.

I urge my colleagues to vote in favor of the passage of this important piece of legislation to provide that extra layer of protection to current and retired law enforcement officers, their families, and the public.

By Mr. AKAKA:

S. 254. A bill to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Kaloko-Honokōhau National Historical Park Addition Act of 2003. This bill passed the Senate by unanimous consent in the 107th Congress, and I hope that it will receive quick approval again in the 108th Congress. The legislation provides for a small adjustment of the Park's boundaries to permit the purchase of permanent facilities for Park administrative purposes and to provide visitors with a modest interpretive center that will help them understand the cultural and historical treasures of the Park.

Kaloko-Honokōhau National Historical Park is located along the beautiful Kona coast on the island of Hawaii. It was designated as a National Historic Landmark in 1962 and was established as a National Historical Park in 1978. The Park was created to preserve, interpret, and perpetuate traditional Native Hawaiian culture. The ocean makes up over half of this 1,160-acre Park, and the boundaries include the culturally significant Kaloko and 'Aimakapa fishponds and 'Ai'opio fish trap. There are also several *heiau*, or Native Hawaiian religious sites, found in the Park.

In 2001, 54,000 people visited Kaloko-Honokōhau National Historical Park, and the number of visitors continues to increase. In 2002, 70,000 people visited the Park, an increase of 16,000 visitors. We need a facility there that offers administrative personnel the space and the resources they need to carry out their management functions, and provides visitors with the opportunity to learn about this important part of Hawaii. Rather than erecting a new building and disturbing the resources within Park boundaries, the better option is to locate the facilities nearby on an already-developed parcel. The bill provides a simple, cost-effective solution to the important problems of growing visitorship and the need to provide adequate stewardship of cultural resources. I look forward to working with my colleagues in the Senate and in Hawaii to make this possible.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 254

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kaloko-Honokōhau National Historical Park Addition Act of 2003."

#### SEC. 2. ADDITIONS TO KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK.

Section 505(a) of P.L. 95-625 (16 U.S.C. 396d(a)) is amended—

(1) by striking "(a) In order" and inserting "(a)(1) In order";

(2) by striking "1978," and all that follows and inserting "1978."; and

(3) by adding at the end the following new paragraphs:

"(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as 'Tract A' on the map entitled 'Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment', numbered PWR (PISO) 466/82,043 and dated April 2002.

"(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service."

#### SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. CANTWELL, Mr. CORZINE, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SCHUMER, and Mrs. CLINTON):

S. 255. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators SNOWE, COLLINS, CANTWELL, CORZINE, DODD, DURBIN, JEFFORDS, LEAHY, MURRAY, REED, CLINTON, and SCHUMER in introducing legislation to increase Corporate Average Fuel Efficiency, CAFE, Standards for SUVs and other light duty trucks.

This bill will close the "SUV Loophole," and require that SUVs meet the same fuel efficiency standards as passenger cars by 2011.

Simply put, this legislation is the single most important step the United States can take to limit dependence on foreign oil and better protect our environment.

If implemented, closing the SUV Loophole would: Save the U.S. 1 million barrels of oil a day and reduce our dependence on foreign oil imports by 10 percent. Prevent about 240 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from entering the atmosphere each year. Save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE standards were first established in 1975. At that time, light

trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States.

As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that, SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2011 that passenger cars meet today.

The National Highway Traffic Safety Administration, NHTSA, has proposed phasing in an increase in fuel economy standards for SUVs and light trucks under the following schedule: by 2005, SUVs and light trucks would have to average 21.0 miles per gallon; by 2006, SUVs and light trucks would have to average 21.6 miles per gallon; and by 2007, SUVs and light trucks would have to average 22.2 miles per gallon.

Last year, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

And earlier this month, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. "We can do better," said Jeffrey Runge in an interview with Congressional Green Sheets. "The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs," he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so: by 2008, SUVs and light duty vehicles would have to average 23.5 miles per gallon; by 2009, SUVs and light duty vehicles would have to average 24.8 miles per gallon; by 2010, SUVs and light duty vehicles would have to average 26.1 miles per gallon, by 2011, SUVs and light duty vehicles would have to average 27.5 miles per gallon.

This legislation would do two other things: 1. It would mandate that by 2007 the average fuel economy of the new vehicles comprising the Federal fleet must be 3 miles per gallon higher than the baseline average fuel economy for that class. And by 2010, the average fuel economy of the new federal vehicles must be 6 miles per gallon higher than the baseline average fuel economy for that class.

2. The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

The International Panel on Climate Change, estimates that the Earth's average temperature could rise by as much as 10 degrees in the next 100 years, the most rapid change in 10,000 years.

This would have a major effect on our way of life. It would melt the polar ice caps, decimate our coastal cities, and cause global climate change.

We are already seeing the effects of warming: In November, the Los Angeles Times published an article about the vanishing glaciers of Glacier National Park in Montana. Over a century ago, 150 of these magnificent glaciers could be seen on the high cliffs and jagged peaks of the surrounding mountains of the park. Today, there are only 35. And these 35 glaciers that remain today are disintegrating so quickly that scientists estimate the park will have no glaciers in 30 years.

This melting seen in Glacier National Park can also be seen around the world, from the snows of Mt. Kilimanjaro in Tanzania to the ice fields beneath Mt. Everest in the Himalayas. Experts also predict that glaciers in the high Andes, the Swiss Alps, and even Iceland could disappear in coming decades as well. These dwindling glaciers offer the clearest and most visible sign of climate change in America and the rest of the world.

Yet, the Administration has walked away from the negotiating table for the Kyoto Protocol. This is a big mistake. The United States is now the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy. We should be a leader when it comes to combating global warming.

The single most effective action our nation can take to limit reliance on foreign oil and reduce global warming is to increase the fuel efficiency of our vehicles. The simplest way to do this is to simply bring the fuel efficiency standards for light trucks and sport utility vehicles, SUVs, into conformance with other passenger vehicles.

I urge my colleagues to support this legislation.

Ms. SNOWE. Mr. President, I am pleased to join with Senator FEINSTEIN today in renewing the call we made in the 107th Congress for improving vehicle fuel economy by taking logical steps to close the SUV loophole provided to the "light truck" category in the Federal Corporate Average Fuel Economy, or CAFE, Program.

My colleague has been a passionate advocate of this proposal, and I am proud to work with her again in introducing S. 255, our practical, attainable bill that can garner the kind of broad support necessary to address this national imperative this year. I know when we introduced our plan in 2001, some believed it was too much too soon, while others felt it didn't go far enough. But can anyone honestly say we are better off today without nothing? That we are in better shape because we failed to pass what is possible 2 years ago?

Just think about where we would be today, we would be a model year away from giving consumers greater choices in purchasing more fuel efficient SUVs. And we would also be that much closer to controlling our own energy destiny by reducing our reliance on foreign oil, all the more critical at a time when the current strike in Venezuela and the situation in Iraq make already volatile world oil markets even more precarious. As an oil analyst with the Deutsche Bank in London recently put it, "The oil markets can stand having one thing go wrong, but not two. That's what's happening with Venezuela and Iraq."

And it is not as though we haven't been burned by the foreign oil market before. It is not as though this is something we have never thought of. This year is the 30th anniversary of the Arab oil embargo. I recall in the 1970s when the day you were allowed to refuel your car was determined by whether the last number of your license plate was odd or even. Why hasn't any of this been enough to wean us off this habit?

Right now, we rely more on foreign oil than ever. In 2001, 55 percent of the U.S. total demand was met by oil from abroad, up from 37 percent in 1980 around the time when the original CAFE standards took effect, I might add, and by 2025 that number will jump to a projected 70 percent if we don't take action. With such a large percentage of this imported resource coming from such a volatile region of the world, what do we need to have happen before we feel a sense of urgency?

The fact is, this is an emergency, and we can make a difference. Even just increasing fuel economy standards for SUVs and light trucks by 1.5 miles per gallon by model year 2007, which the administration proposes, would reduce gasoline consumption by 2.5 billion gallons through that year. Just imagine what we could achieve with the proposal Senator FEINSTEIN and I are reintroducing, which would phase-in changes in CAFE requirements in four, attainable stages that will bring the standards for SUV's in line with passenger cars within the next 8 years.

Our legislation is backed by the findings of a 2001 National Academy of Sciences CAFE report that this body requested in 2000 on CAFE standards. The report clearly states that, "Because of concerns about greenhouse gas emissions and the level of oil imports,

it is appropriate for the Federal Government to ensure fuel economy levels beyond those expected to result from market forces alone."

I believe that fuel economy through better vehicle mileage is probably the most significant and realistic environmental and energy independence issue we, as leaders, could tackle this year in developing our Nation's energy policy. Had the Senate boosted fuel economy standards over a decade ago as proposed by Senators Bryan and Gorton rather than defeating the measure by three votes, new vehicles would be averaging 33 miles per gallon today instead of 24.5 miles per gallon, and the U.S. would have saved more than 1 billion barrels of oil each and every day.

Instead, all our vehicles combined consume 40 percent of our oil, while coughing up 20 percent of U.S. carbon dioxide emissions, the greenhouse gas linked to global climate change. To put this in perspective, the amount of carbon dioxide emission just from U.S. vehicles alone is the equivalent of the fourth highest carbon dioxide emitting country in the world. Given these stunning numbers, how can we continue to allow SUVs to spew three times more pollution into the air than our passenger cars?

And it is not just an environmental issue, it is also a pocketbook issue, with rising prices at the pump. In fact, according to DOE's Energy Information Administration, the typical price for regular unleaded gas, now \$1.47 per gallon, is a full 37 cents higher than just a year ago. Yet ironically, in the past quarter century since the last adjustments were made to CAFE standards, overall fuel economy has actually fallen to its lowest level since 1980, 24.7 miles per gallon.

Just think for a moment how much the world has changed technologically over the past 25 years. We have seen the advent of the home computer and the information age. Computers are now running our automobiles, and global positioning system devices are guiding drivers to their destinations. Are we to believe that technology couldn't have also helped those drivers burn less fuel in getting there? Are we going to say that the whole world has transformed, but America doesn't have the wherewithal to make SUVs that get better fuel economy?

Well, I don't believe it, and neither does the National Academy of Sciences that issued a report in 2001 in response to Congress' request the previous year that the NAS study the issue. They concluded that it was possible to achieve a more than 40-percent improvement particularly in light truck and SUV fuel economy over a 10-15 year period, and that technologies exist now for improving fuel economy. That was a year-and-a-half ago.

But, automakers have instead invested their new technologies in other attributes over the past 13 years. Specifically, there has been a 53-percent increase in horsepower, a 19-percent increase in weight, an 18-percent increase



for acceleration and, correspondingly, a minus eight percent decrease for fuel economy. The bottom line is that the auto industry has had the technological opportunities to do better but chose another road. They tell us this is what the consumer wants.

But maybe that is because, for the most part, consumers haven't been presented with viable alternatives. Indeed, a March 2002 poll by the Mellman Group shows that nearly three-quarters of voters nationwide favor increasing the fuel efficiency of vehicles. Another survey conducted since 9/11 by Greenberg Quinlan Rosner Research, Inc., showed that 88 percent of likely voters support increasing the fuel efficiency standards for cars and trucks.

We have seen what a positive difference changes in CAFE standards can make. The NAS panel experts found that, as a result of CAFE standards put into law by Congress in 1975, we have achieved a 75-percent increase in fuel economy for cars. Cars went from 15.8 mpg in 1975 to 27.5 mpg in 1985. And, through CAFE standards, we have seen a 50-percent increase for light trucks, from 13.7 mpg in 1975 to 20.7 mpg in 1987. In addition, NAS noted that CAFE helped maintain fuel economy levels when market forces might have forced fuel economy lower in the passenger fleet.

I don't want America's SUV manufacturers to be "the industry that time forgot?", and history clearly shows that the Federal Government must play a role in ensuring that consumers have a choice in vehicles with high degrees of fuel economy, an appropriate degree of safety and a minimal impact on our environment. How can we do anything less? Closing the SUV loophole will help us achieve these goals, and it is an idea whose time has long since arrived.

When I think back to the balanced budget debate in the Senate, many of us argued that continued deficits would leave the generations to come with mountains of debt, and we had an obligation to ensure that this did not happen. Today, I say to you that we have a similar obligation to take practical steps, to make practical tradeoffs to ensure that generations to come won't be left with a mountain of carbon dioxide emissions, with an even greater dependency on foreign oil, with even higher prices at the pump, and with fewer of our precious natural resources.

I urge my colleagues to take the responsible road and support the Feinstein-Snowe CAFE standards incremental increases for SUVs and the light truck category as the right direction to take.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 258. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMENICI. Mr. President, today I rise to bring the Senate's attention to

a matter that is slowing Los Alamos County, NM, in its efforts to fully recover from the Cerro Grande Fire of May 10, 2000.

The Cerro Grande fire severely reduced available housing in Los Alamos. Indeed, a major deterrent to new hires is the lack of housing choices in the city. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

While we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes into one Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about \$82,000 because the Federal programs use the MSA median income of about \$65,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe's median income of about \$40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of \$65,000 is used as the maximum allowed for assistance. Thus, \$52,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about \$65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because their applicants do not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL for helping to meet its internal and international security needs.

This situation also exists around the New York City area, where Westchester County incomes unfairly raise the metropolitan average to the detriment of the metropolitan housing market. In that case, Congress agreed to separate Westchester County to ease the housing market situation. All I am asking in my bill is to accomplish the same goal by allowing Los Alamos County to stand on its own in terms of HUD median income requirements. My bill does not simultaneously lower the Santa Fe County income to its actual median, but, rather, allows Santa Fe County to continue to use the higher

median, because the Santa Fe housing market is also very unusual, and the two-county average helps make more Santa Fe residents eligible for federal assistance on many fronts.

I appreciate my colleagues attention to this matter, and I know the residents of Los Alamos County will be grateful for this assistance to allow more of them to make use of available HUD and other affordable housing assistance programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 258

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LOW-INCOME FAMILIES DEFINITION.

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) by inserting "and for Los Alamos County in the State of New Mexico," after "State of New York,";

(2) by inserting "Los Alamos," after "does not include Westchester";

(3) by inserting "Los Alamos," after "portion included Westchester"; and

(4) by inserting before the period at the end the following: "and Los Alamos County, New Mexico, in the Santa Fe metropolitan area".

By Mr. HARKIN (for himself and Ms. STABENOW):

S. 260. A bill to amend the Internal Revenue Code of 1986 to prevent the continued use of renouncing United States citizenship as a device for avoiding United States taxes; to the Committee on Finance.

Mr. HARKIN. Mr. President, Senator STABENOW and I are introducing legislation similar to the measure we proposed in the last Congress to effectively prevent very rich individuals from reducing their taxes by renouncing the U.S. citizenship. It is a companion to a measure introduced by Congressman CHARLES RANGEL in 2002. The Joint Tax Committee estimated that it will raise \$656 million over 10 years from a very few people who I call Benedict Arnolds. These people turn their back on their country which provided so well for them, in order to avoid paying their fair share of U.S. taxes.

Under current law, there are special rules that apply to these former citizens that appear to recover funds lost to the Treasury. However, they are full of holes. Under the current regime, for 10 years after a U.S. citizen renounces his or her citizenship with a principal purpose of avoiding U.S. taxes, the person is taxed at the rates that would have applied had he or she remained a citizen. In reality, the tax is nominally on a broader base of income and on more types of transactions. In addition, if the expatriate dies within 10 years of the expatriation, more types of assets are included in his or her estate. Unfortunately, the reality is that taxes are very often not paid.

The reality is that once a person has expatriated and removed U.S. assets from U.S. jurisdiction, it is extremely difficult to enforce the current rules, particularly for an entire decade after the citizenship is renounced. The measure I introduced simply provides that the very act of renouncing one's citizenship triggers the recognition of tax. So, rather than collecting tax every time an asset is sold over the next decade, my bill treats all of the assets of an expatriate as having been sold the day prior to when the person renounces their citizenship. The taxes are due up front rather than over time. In regard to estate taxes, rather than attempting to collect the tax from the estate of an expatriate not in the U.S. jurisdiction, my measure taxes the inheritance of an heir who remain in the United States in such a way as to remove any tax benefit from the renouncement of citizenship.

\$656 million in revenue from these very few former citizens is a lot of revenue that must be made up by loyal Americans in the form of higher debt or taxes that Americans will face. Last year, the Senate passed the measure as a part of the Armed Services Tax Fairness Act but, unfortunately, the House opposed this provision. I am hopeful that it can become law this year. People should not be able to reduce their taxes by renouncing their citizenship.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Ms. LANDRIEU, Mr. SARBANES, Mrs. LINCOLN, Mrs. MURRAY, Mr. LEVIN, Mr. CORZINE, Mrs. CLINTON, Mr. JOHNSON, Mr. AKAKA, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG, and Mr. REED):

S. 261. A bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. MURRAY, Mr. WYDEN, Mr. DODD, and Mr. REED):

S. 262. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 263. A bill to amend part A of title IV of the Social Security Act to require a comprehensive strategic plan for the State temporary assistance to needy families program and to give States the flexibility to implement innovative welfare programs that have been effective in other States; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce three welfare bills.

Although these bills do not represent a comprehensive welfare reform proposal, they do address what I see as some of the most critical and pressing issues we must deal with as we move toward improving the TANF program.

Let me begin by introducing the Children First Act on behalf of myself, Mr. KERRY, Mr. DASCHLE, Mr. KENNEDY, Ms. LANDRIEU, Mr. SARBANES, Mrs. LINCOLN, Mrs. MURRAY, Mr. LEVIN, Mr. CORZINE, Mrs. CLINTON, Mr. JOHNSON, Mr. AKAKA, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG and Mr. REED).

Since 1996, federal funding for child care assistance under the Child Care and Development Block Grant, CCDBG, has significantly increased, making it possible for states to provide more low-income families with child care assistance and to expand initiatives to improve the quality of child care. This has been an extremely important endeavor. Access to high quality childcare is crucial in helping families to work and children to succeed.

Most people agree that the recent employment gains among welfare recipients can only be sustained if families have access to dependable child care. Studies show that when childcare is available and when families get help in paying for care, they are more likely to work. In fact, when I talk to people in my home State of New Mexico about welfare reform, they identify access to childcare as the most important work support we can provide.

Despite the past increases in the CCDBG, we must do more. Overall, only one out of seven children eligible for assistance through the CCDBG program receives a subsidy, leaving approximately 12.9 million eligible children without assistance. Less than 25 percent of New Mexican children under the age of six who are eligible for childcare assistance are currently receiving it. Unfortunately, the need for childcare assistance is only likely to increase in the near future. Many states are currently threatened with serious budget shortfalls that threaten the availability of funds for numerous important endeavors, including childcare assistance. In addition, the administration's recently proposed TANF plan includes provisions for increased work requirements for recipients. If passed, this would create an increased need for welfare support services, especially childcare. Without subsidized care, many of our Nation's poor families simply cannot afford to work.

We must not only seek to increase access to childcare overall, but also to ensure the improved quality of such care. Currently, many families receiving assistance cannot provide their children with a high quality childcare setting. In part, this is because the childcare reimbursement rates are so low that many of the higher quality providers do not accept state-subsidized children into their programs. Low salaries and the lack of health care and other benefits also make it difficult to attract and retain highly

qualified childcare workers. These are major issues given that quality childcare provides low-income children with the early learning experiences they need to do well in school and in life. We know that children in high quality early care are more likely to experience academic success, for example, higher test scores and an increased likelihood of graduating from high school, and less likely to experience social problems such as being charged in juvenile court or being aggressive toward others.

The Children First Act will address these important issues by increasing funds for the CCDBG by \$11.2 billion over 5 years. With these funds, States will be able to serve approximately 1 million more children nationally. The bill also contains an increase in the quality set-aside in CCDBG, which will provide States with funds that can be used to train care providers and create and enforce standards of care.

I urge my colleagues to support this important piece of legislation. It will help low-income families work and help prepare our children to succeed.

Next, I would like to introduce the Education Works Act on behalf of myself and Mrs. MURRAY, Mr. DODD, Mr. REED, Mr. CORZINE, and Mr. WYDEN.

Since the 1996 changes in our welfare laws, the number of individuals on welfare has dramatically decreased in most States. However, although many have successfully left welfare for work over the past several years, too many have been left behind because they don't have a high school degree, have little or no work history, or are lacking the skills that are important for success in the job market. In addition, many of those who have secured work are working for low wages, receive few or no benefits, and have limited opportunity for upward financial mobility. As we move toward reauthorization, we must do more to support State efforts to insure that all individuals leaving welfare have the capacity to obtain employment that will provide long-term financial independence. The Education Works Act will do just that.

We know that the welfare programs that have been most successful in helping parents work and earn more over the long run are those that have focused on employment but also make substantial use of education and training, together with job search and other employment services. Yes, less than 1 percent of Federal TANF funds were spent on education and training in 2000, largely because current law limits the extent to which education activities count toward Federal work participation requirements, effectively restricting how long individuals can participate in training and also capping how many people can receive these services.

The Education Works Act would change this by: clarifying that states have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by

TANF recipients as part of TANF work requirements; giving States the flexibility to determine how long each recipient may participate in education and training activities while receiving benefits; giving states the flexibility to provide non-cash assistance in the form of childcare and transportation supports to individuals who are participating in a full-time education program, without counting these services against the 5-year time limit on TANF benefits; eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements.

Via TANF waivers, many States have already been operating programs that do many of the things we're talking about here. In other cases, however, state efforts to provide education and training to welfare recipients have been hampered by an inability to use TANF funds to support these efforts. For example, in my home State, we already have an "Education Works" program but only 400 participants are enrolled statewide, due to funding limitations.

States should be held accountable for decreasing welfare caseloads but also for insuring that those entering the workforce have the skills they need to become and remain economically self-sufficient. We need to give all states the flexibility to implement the types of programs that they believe will best achieve these goals. The Education Works Act is an important step in this direction and I urge my colleagues to support it.

Finally, I would like to introduce the Self-Sufficiency and Accountability Act. This Act has several broad goals: to increase state reporting and accountability for welfare dollars that are received, to encourage states to develop concrete strategies to help families move from welfare to self-sufficiency, and to allow states not currently receiving TANF waivers to do so.

First, State plan requirements under current welfare law are simply not comprehensive enough. Under current law, States can submit plans that contain little information about the services that will be provided, long-range or strategic planning, goals or benchmarks, or how they will insure equitable treatment of all welfare clients. In addition, there are currently few provisions for informing the public about the details contained in state plans. Thus, States have little or no accountability to legislators or to the public for the billions of welfare dollars they receive each year.

The Self-Sufficiency and Accountability Act seeks to remedy these deficits. Some of the key provisions include the following: comprehensive state plans would be required to describe the programs and services that will be offered, eligibility requirements, the purposes and goals for all programs and how these goals will be

assessed; the new State plans would increase compliance with nondiscrimination, employment, and civil rights laws by requiring among other things, better training of caseworkers, better communication with welfare clients about their rights and obligations, an appeals process, reporting requirements for complaints, and penalties for states that fail to comply with these requirements; the Act would improve public awareness of and access to State plans in their entirety and provides opportunity for public comment when a state plan is pending or being amended.

As I mentioned earlier, large numbers of individuals have moved from the welfare rolls to work since 1996. During the current welfare reauthorization, we must look beyond simply putting people to work and focus on strategies that will help these individuals achieve lasting economic self-sufficiency. Unfortunately, the current content and structure of state plans are wholly inadequate to address these crucial self-sufficiency concerns. The self-Sufficiency and Accountability Act will address these shortcomings by encouraging States to develop concrete strategies designed to move families toward self-sufficiency. The bill requires States to identify and address individual and environmental barriers to self-sufficiency, describe program strategies implemented to promote self-sufficiency, and to assess the progress of former welfare families in this regard.

The final purpose of this bill is to address the issue of increased State flexibility to implement programs that have been proven effective. After the last reauthorization, many states obtained and some continue to use TANF waivers to develop innovative welfare programs that are suited to the specific needs of their TANF caseloads and labor market conditions in their states. This Act would allow states that currently have waivers to continue to operate under those waivers. In addition, the Act stipulates that any state may submit a waiver application on terms similar or identical to states that are successfully implementing innovative programs. In this way, all States would be provided with the flexibility to employ proven strategies in an effort to address the unique needs of their welfare clients.

Taken together, the three bills I have introduced today would go a long way toward helping people transition from welfare and providing these individuals with the skills and supports they need to achieve a lifetime of productive and financially sustaining work.

I urge my colleagues to support these three bills and I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 261

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Children First Act of 2003".

#### SEC. 2. EXCLUSION OF CHILD CARE FROM DETERMINATION OF 5-YEAR LIMIT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES RECEIVING CHILD CARE.—For purposes of subparagraph (A), any funds provided under this part that are used to provide child care for a family during a month under the State program funded under this part shall not be considered assistance under the program."

#### SEC. 3. INCREASE IN FUNDING FOR CHILD CARE.

(a) INCREASE IN FUNDING.—Section 418(a)(3) of the Social Security Act (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) \$3,967,000,000 for fiscal year 2003;  
 "(H) \$4,467,000,000 for fiscal year 2004;  
 "(I) \$4,967,000,000 for fiscal year 2005;  
 "(J) \$5,467,000,000 for fiscal year 2006; and  
 "(K) \$5,967,000,000 for fiscal year 2007."

(b) INCREASE IN SET ASIDE FOR CHILD CARE QUALITY.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking "4 percent" and inserting "10 percent".

#### SEC. 4. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking "ASSISTANCE" and inserting "BENEFITS OR SERVICES"; and

(2) after the heading, by striking "assistance" and inserting "any benefit or service that may be provided".

#### SEC. 5. APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990 REPORTING RULES TO TANF FUNDS EXPENDED FOR CHILD CARE.

(a) IN GENERAL.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

"(7) APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990 REPORTING RULES TO FUNDS EXPENDED FOR CHILD CARE.—Any funds provided under this part that are expended for child care, whether or not transferred to the Child Care and Development Block Grant Act of 1990, shall be subject to the individual and case data reporting requirements imposed under that Act and need not be included in the report required by paragraph (1) for a fiscal quarter."

(b) CONFORMING AMENDMENT.—Section 411(a)(1)(A)(ix) of such Act (42 U.S.C. 611(a)(1)(A)(ix)) is amended by striking "food stamps, or subsidized child care, and if the latter 2," and inserting "or food stamps, and if the latter,".

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect as if enacted on October 1, 2002, and shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan

under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Mr. KERRY. Mr. President, today my colleague Senator BINGAMAN and I are reintroducing our bill to increase mandatory funding for the Child Care and Development Block Grant, CCDBG. Our legislation, the Children First Act would increase the mandatory funding stream of CCDBG by \$11.2 billion over the next five years.

Congress understands that working families need help paying for child care. Indeed, funding for CCDBG has grown significantly over the past several years. Yet despite these increases, funding still only reaches one in seven eligible children nationwide, leaving approximately 12.9 million eligible children without any assistance. Roughly 500,000 children are on waiting lists for help around the country and 21,000 children are on the waiting list for child care assistance in Massachusetts.

The need for child care assistance in Massachusetts is tremendous. Currently, 60 percent of Massachusetts children under age six have mothers in the workforce, and 16.4 percent of Massachusetts children under age five live in poverty. Child care costs at an urban center for a four-year-old averages \$8,121 per year and the costs for an infant averages \$12,978. That's 223 percent more than the cost of public college tuition in Massachusetts! It's just shocking to me, Mr. President, that we expect families to bear the burden of such costly child care services, they simply cannot afford to do it and are forced either not to work or to leave their children in substandard, and many times even dangerous care. CCDBG is a critically important program to helping poor families afford child care, but we haven't done nearly enough to fill the existing child care gap. Even combining CCDBG and state child care funding in Massachusetts only reaches 13 percent of eligible children.

Senator BINGAMAN and I led the effort to increase child care funding during the welfare reform debate last year and we will do so again this year. But today there is an even more dire need for child care funding than there was one year ago. State governments face a fiscal crisis of historical proportions and as a result have been forced to make severe cuts in social services. In

fact child care subsidies for working parents have been scaled back in a number of states. Unfortunately it's likely that the federal government may compound those state cuts. The FY 2003 Omnibus Appropriations bill passed last week by the Senate would cut CCDBG discretionary funds by approximately \$60.9 million below FY 2002 levels. As a result, 38,000 fewer children would have access to child care assistance at a time when only one in seven eligible children receive services.

Increased availability and the quality of child care helps achieve two important goals: First, it enables low-income parents on welfare and parents trying to stay off welfare to work and support their families. And second, it provides the early learning experiences that our children need to do well in school. Studies show that when child care is available, and when families get help paying for care, they are more likely to work. Children in high quality early care score higher on reading and math tests, are more likely to complete high school and go onto college, and are less likely to repeat a grade or get charged in juvenile court.

Increased child care funding is an investment that we cannot afford NOT to make. I look forward to teaming up with Senator BINGAMAN in the Finance Committee during welfare reauthorization to increase CCDBG funding. I urge all of my colleagues to join us in the fight to provide all working families with safe, high-quality child care.

S. 262

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Works Act of 2003".

#### SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) participation in vocational educational training, postsecondary education, an English-as-a-second-language program, or an adult basic education program;"

#### SEC. 3. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

#### SEC. 4. NONAPPLICATION OF TIME LIMIT TO INDIVIDUALS WHO DO NOT RECEIVE CASH ASSISTANCE AND ARE ENGAGED IN EDUCATION OR EMPLOYMENT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR CERTAIN INDIVIDUALS.—For purposes of this paragraph, child care or transportation benefits provided during a month under the State program funded under this part to an individual who is participating in a full-time educational program or who is employed shall not be considered assistance under the State program."

#### SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by

this Act shall take effect as if enacted on October 1, 2002, and shall apply to payments made under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

S. 263

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Self Sufficiency and Accountability Act of 2003".

#### SEC. 2. COMPREHENSIVE STRATEGIC TANF PLAN.

(a) IN GENERAL.—Section 402 of the Social Security Act (42 U.S.C. 602) is amended to read as follows:

##### "SEC. 402. ELIGIBLE STATES; STATE PLAN.

"(a) IN GENERAL.—As used in this part, the term 'eligible State' means, with respect to a fiscal year, a State that, during the 27-month period ending with the close of the 1st quarter of the fiscal year, has submitted to the Secretary, and revised when necessary in accordance with subsection (b), a written plan that the Secretary has found includes the following:

"(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.—

"(A) PROGRAMMATIC INFORMATION.—Information relating to the State program, including the following:

"(i) With respect to each program that will be funded under this part, or with qualified State expenditures claimed by the State to meet the requirements of section 409(a)(7), over the 2-year period for which the plan is being submitted—

"(I) the name of the program;

"(II) the goals of the program;

"(III) a description of the benefits and services provided in the program;

"(IV) a description of principal eligibility rules and populations served under the program, including the circumstances under which the State provides benefits or services to individuals who are not citizens of the United States;

"(V) a description of how the State will ensure fair and equitable treatment among program applicants and recipients and how the State will provide opportunities for applicants and recipients who have been adversely affected to be heard in a State administrative or appeal process, including a description of the steps that the State has taken (or will take) to ensure—

"(aa) compliance with nondiscrimination, civil rights, and employment laws throughout the process of providing services under this part, including at the time of application for benefits, during the applicant assessment process, when determining availability

of an eligibility for benefits and services, during the actual delivery of services or benefits, and when deciding to terminate benefits in full or in part; and

“(bb) that program applicants and recipients are aware of their rights and the process for enforcing their rights; and

“(VI) a description of how the program meets 1 or more of the purposes described in section 401 or, in the case of a program funded with qualified State expenditures, how the program meets the criteria in section 409(a)(7)(B).

“(ii) With respect to each program that will be funded under this part, or with qualified State expenditures claimed by the State to meet the requirements of section 409(a)(7), over the 2-year period for which the plan is being submitted and that provides assistance—

“(I) a description of the applicable financial and nonfinancial eligibility rules including, income eligibility thresholds, the treatment of earnings, asset eligibility rules, and excluded forms of income;

“(II) a description of applicable work-related requirements, including which adults are required to participate in such activities, the activities in which they can participate, the criteria for determining the activity an adult is assigned to, and the procedures used to screen and assess participants for barriers to employment including physical or mental impairments, substance abuse, learning disabilities, domestic violence, inadequate or unstable housing and very low basic skills;

“(III) a description of applicable time limit policies, including the length of the time limit, exemption and extension policies, and procedures and policies for providing services to families reaching time limits and who have lost assistance due to time limits; and

“(IV) a description of applicable sanction policies and procedures, including the program requirements for which a sanction can be applied for failure to comply, the amount and duration of sanctions, the State-defined criteria that constitute good cause for failing to meet each program requirement for which a sanction may be imposed, how the State will comply with the requirement in section 407(e)(2), and the procedures in place to identify families who are unable to comply with program requirements due to various barriers (such as physical or mental impairments, domestic violence, unavailable or inaccessible child care, illiteracy, lack of English proficiency) and procedures for providing services to those families rather than imposing a sanction on them.

“(iii) A description of—

“(I) the primary problems that families receiving assistance, and families who have recently stopped receiving assistance, under the State program funded under this part, or under a program funded with qualified State expenditures as defined in section 407(a)(7), experience in securing and retaining adequate, affordable housing and the estimated extent of each such problem, including the price of such housing in various parts of the State that include a large proportion of recipients of assistance under the State program, and the steps that have been and will be taken by the State and other public or private entities that administer housing programs to address these problems; and

“(II) the methods the State has adopted to identify barriers to work posed by the living arrangement, housing cost, and housing location of individuals eligible for participation in the State program funded under this part and the services and benefits that have been or will be provided by the State and other public or private entities to help families overcome such barriers.

“(iv) A description of the steps the State will take to restrict the use and disclosure of

information about individuals and families applying for or receiving assistance under a program funded under this part, or with qualified State expenditures as defined in section 409(a)(7).

“(v) A description of how the State will ensure the availability of a stable and professional workforce in the administration of the State program under this part with the resources, skills, and expertise necessary to successfully carry out the program, including a description of the plan of the State to provide program staff with training on the following:

“(I) Program information and services.

“(II) The rights of recipients of assistance under all laws applicable to the activities of the program, including nondiscrimination and employment laws.

“(III) Cultural diversity and sensitivity.

“(IV) Referral of recipients of assistance to all appropriate programs and services for which such recipients are eligible.

“(V) Screening of recipients of assistance for serious barriers to employment and referral to qualified specialists.

“(vi) A description of the steps that the State has taken to inform applicants for and recipients of assistance under the State program under this part of their rights and obligations under such program. Such description shall include—

“(I) an explanation of the manner in which the State will ensure that such information is communicated effectively to all such individuals, including how the State will provide appropriate translation or interpretation services where necessary; and

“(II) an assurance that the communication of such information will take place throughout the service delivery and processing.

“(B) INFORMATION ABOUT PROGRAMS DESIGNED OR IMPLEMENTED AT SUB-STATE LEVELS.—With respect to any program described in clauses (i) or (ii) of subparagraph (A) in which the State permits counties or other substate entities to design their own rules with respect to any of the information required under such clauses, the State plan shall be designed to reflect the policies of each such county or substate entity.

“(C) STATE GOALS AND BENCHMARKS.—For each purpose contained in section 401(a), the State plan shall provide the following information:

“(i) A description of specific goals the State will attempt to achieve over the succeeding 5-year period to further that purpose.

“(ii) A description of how the State intends to meet the goals described in clause (i) over such 5-year period and a description of the steps the State will take during such period to work toward achieving such goals.

“(iii) A description of performance measures that will be used to measure progress made by the State toward achieving each such goal, including the methodology for computing such measures. Each performance and outcome measure described in the State plan under this subparagraph shall be reported by the State annually in a form prescribed by the Secretary.

“(iv) An identification of those key factors external to the program and beyond the control of the State that could significantly affect the attainment of the goals.

“(v) A description of any additional evaluation methods the State will use to measure progress made by the State toward achieving such goals.

“(2) MINIMUM PARTICIPATION RATES.—A description of how the minimum participation rates specified in section 407 will be satisfied.

“(3) ESTIMATE OF EXPENDITURES.—An estimate of the total amount of State or local expenditures under all programs described in

clauses (i) or (ii) of paragraph (1)(A) for the fiscal year in which the plan is submitted.

“(4) SPECIAL PROVISIONS.—

“(A) CERTIFICATION REGARDING ASSESSMENT OF REGIONAL ECONOMIES AND INFORMING LOCALITIES OF SECTORAL LABOR SHORTAGES AND IDENTIFICATION OF SELF-SUFFICIENCY STANDARDS.—

“(i) IN GENERAL.—A certification by the chief executive officer of the State that, during the fiscal year, the State will—

“(I) assess its regional economies and provide information to political subdivisions of the State about the industrial sectors that are experiencing a labor shortage and that provide higher entry-level wage opportunities for unemployed and underemployed job seekers identified in accordance with section 411(c); and

“(II) identify the self-sufficiency standards for families after the families cease to receive assistance under the State program funded under this part in accordance with clause (ii).

“(ii) REQUIREMENTS FOR IDENTIFICATION OF SELF-SUFFICIENCY STANDARDS.—

“(I) IN GENERAL.—The State shall provide to the Secretary a document adopted or developed by the State, that—

“(aa) describes the income needs of families (in this part referred to as ‘State self-sufficiency standards’) based on family size, the number and ages of children in the family, and sub-State geographical considerations; and

“(bb) if the State has a sizeable Native American population, includes information specific to the needs of that population.

“(II) CRITERIA.—The State self-sufficiency standards shall separately specify the monthly costs of housing, food, child care, transportation, health care, other basic needs, and taxes (including tax benefits), and shall be determined using national, State and local data on the cost of purchasing goods and services in the marketplace.

“(III) CATEGORIES OF FAMILIES.—The State self-sufficiency standards shall categorize families—

“(aa) by whether there are 1 or 2 adults in the family;

“(bb) by whether there are 0, 1, 2, 3, or more than 3 children in the family; and

“(cc) by the age of each child in the family, according to whether a child is an infant, of pre-school age, of school age, or a teenager.

“(IV) REGULATIONS.—The Secretary shall prescribe the protocols, criteria, cost categories, definitions, and means of making inflation adjustments to be used in developing self-sufficiency standards pursuant to this clause, which shall be based on commonly accepted definitions of adequacy, such as those used for establishing fair market rents, and that reflect, to the extent possible, consensus and use among those calculating family budgets and self-sufficiency standards.

“(V) DATA.—The self-sufficiency standards developed pursuant to this clause shall be—

“(aa) recalculated on adoption if the data on which the standards are based is more than 3 years old;

“(bb) recalculated every 5 years after adoption; and

“(cc) updated for inflation each year after adoption in which the standards are not be recalculated pursuant to item (bb).

“(VI) TECHNICAL ASSISTANCE IN DEVELOPING STANDARDS.—The Secretary may provide financial or technical assistance to an eligible State to enable the State to develop or improve the State self-sufficiency standards and produce State reports required by section 411(d). The Secretary shall carry out this paragraph by making a grant to, or entering into a contract with an organization or institution with substantial experience in calculating and implementing on the State

level family budgets and self-sufficiency standards. An organization or institution desiring to provide technical assistance described in this subclause shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

“(B) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

“(C) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

“(D) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the family assistance program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations—

“(i) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

“(ii) have had at least 45 days to submit comments on the plan and the design of such services.

“(E) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.—A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program.

“(F) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

“(G) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.—

“(i) IN GENERAL.—At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

“(I) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

“(II) refer such individuals to counseling and supportive services; and

“(III) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under

this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

“(ii) DOMESTIC VIOLENCE DEFINED.—For purposes of this subparagraph, the term ‘domestic violence’ has the same meaning as the term ‘battered or subjected to extreme cruelty’, as defined in section 408(a)(7)(C)(iii).

“(b) PROCEDURES FOR SUBMITTING AND AMENDING STATE PLANS.—

“(1) STANDARD STATE PLAN FORMAT.—The Secretary shall, after notice and public comment, develop a proposed Standard State Plan Form to be used by States under subsection (a). Such form shall be finalized by the Secretary for use by the State not later than February 1, 2003.

“(2) REQUIREMENT FOR COMPLETED PLAN USING STANDARD STATE PLAN FORMAT BY FISCAL YEAR 2004.—Notwithstanding any other provision of law, each State shall submit a complete State plan, using the Standard State Plan Form developed under paragraph (1), not later than October 1, 2003.

“(3) PUBLIC NOTICE AND COMMENT.—Prior to submitting a State plan to the Secretary under this section, the State shall—

“(A) make the proposed State plan available to the public through an appropriate State maintained Internet web site and through other means as the State determines appropriate;

“(B) allow for a reasonable public comment period of not less than 45 days; and

“(C) make comments received concerning such plan or, at the discretion of the State, a summary of the comments received available to the public through such web site and through other means as the State determines appropriate.

“(4) PUBLIC AVAILABILITY OF STATE PLAN.—A State shall ensure that the State plan, that is in effect for any fiscal year, is available to the public through an appropriate State maintained Internet web site and through other means as the State determines appropriate.

“(5) AMENDING THE STATE PLAN.—A State shall file an amendment to the State plan with the Secretary if the State determines that there has been a material change in any information required to be included in the State plan or any other information the State has included in the plan, including substantial changes in the use of funding. Prior to submitting an amendment to the State plan to the Secretary, the State shall—

“(A) make the proposed amendment available to the public as provided for in paragraph (3)(A);

“(B) allow for a reasonable public comment period of not less than 45 days; and

“(C) make the comments available as provided for in paragraph (3)(C).”.

(b) CONFORMING AMENDMENT.—Section 408(a)(5)(B)(i) of the Social Security Act (42 U.S.C. 608(a)(5)(B)(i)) is amended by striking “referred to in section 402(a)(4)”.

### SEC. 3. MONITORING OF FEDERAL AND STATE EFFORTS; ASSESSMENT OF REGIONAL ECONOMIES.

(a) GENERAL REPORTING REQUIREMENT.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (9); and

(2) by inserting after paragraph (6), the following:

“(7) SELF-SUFFICIENCY STANDARD.—The report required by paragraph (1) for a fiscal quarter shall include a description of the self-sufficiency standard identified for families in accordance with section 402(a)(4)(A)(ii).

“(8) INFORMATION REGARDING CIVIL RIGHTS.—As part of the information collected and reported under paragraph (1), the State shall include information on the number of complaints filed by applicants for or recipients of assistance under the State program under this part that allege civil rights or employment law violations and the status of such complaints, including the number of complaints pending at the time the report is prepared. Such information shall be delineated by alleged violation, the number of resolutions during the reporting period in favor of and against the complainants, and the average length of time to process complaints.”.

(b) ANNUAL REPORTS TO CONGRESS.—Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting “and”; and

(3) by adding at the end the following:

“(5) the status of civil rights complaints filed under this part with the Office of Civil Rights of the Department of Health and Human Services by applicants for or recipients of assistance under a State program, including the number of complaints pending at the time the report is prepared delineated by alleged violation, the number of resolutions during the reporting period in favor of and against the complainants, and the average length of time to process complaints.”.

(c) ANNUAL ASSESSMENT OF REGIONAL ECONOMIES; ANNUAL REPORT ON PROGRAMS AND SERVICES LEADING TO SELF-SUFFICIENCY.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

“(c) ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

“(1) IN GENERAL.—An eligible State annually shall conduct an assessment of its regional economies to identify higher entry level wage opportunities in industries experiencing labor market shortages.

“(2) MATTERS TO BE ASSESSED.—

“(A) LABOR MARKET.—The assessment shall—

“(i) identify industries or occupations that have or expect to grow, that have or expect a loss of skilled workers, or that have a need for workers;

“(ii) identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers; and

“(iii) analyze the entry-level wages and benefits in identified industries or occupations.

“(B) JOB SEEKERS.—The assessment shall create a profile in each regional economy in the State, of the characteristics of the unemployed and underemployed residents of such regional economy, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs, and availability and utilization of need support services.

“(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile, in each regional economy in the State of the education, training, and support services in place in such regional economy to prepare workers for the industries or occupations identified pursuant to subparagraph (A).

“(D) ALIGNING INDUSTRIES AND JOB SEEKERS.—The assessment shall compare the characteristics of the industries or occupations identified pursuant to subparagraph (A) to the profile of the job seekers in the State and the profile of the education and training infrastructure in the State.



“(3) SHARING OF INFORMATION WITH LOCALITIES.—The State shall share with all counties, municipalities, local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), and other appropriate political subdivisions of the State, information obtained pursuant to this subsection regarding higher entry-wage job opportunities in industries experiencing labor shortages, and information regarding opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

“(4) REPORTS OF ASSESSMENT OF REGIONAL ECONOMIES.—Each eligible state shall submit to the Secretary annually a report that contains the annual assessment conducted pursuant to this subsection.

“(d) ANNUAL REPORT ON PROGRAMS AND SERVICES LEADING TO SELF-SUFFICIENCY.—A State to which a grant is made under section 403(a) for a fiscal year shall submit to the Secretary a report that describes, with respect to the preceding fiscal year—

“(1) a description of the ways in which the State program funded under this part, and support services provided by the State to recipients of assistance under that program, moved families toward self-sufficiency, and that highlights the programs and services that appeared to have a particularly positive effect on families achieving self-sufficiency;

“(2) the total family income for families that left the State program funded under this part (including earnings, unemployment compensation, and child support); and

“(3) the benefits received by families that have left the State program funded under this part (including benefits under the food stamp program under the Food Stamp Act of 1977, the medicaid program under title XIX, the State children's health insurance program under title XXI, earned income tax credits, and housing assistance).”.

(d) RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.—Section 413(h) of the Social Security Act (42 U.S.C. 613(h)) is amended by adding at the end the following:

“(4) TECHNICAL ASSISTANCE IN ASSESSING REGIONAL ECONOMIES.—

“(A) IN GENERAL.—The Secretary may provide technical assistance to an eligible State to enable the State to conduct the assessments required by section 411(c).

“(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost of providing technical assistance under subparagraph (A), there are authorized to be appropriated to the Secretary not more than \$1,500,000 for each fiscal year in which amounts are appropriated to carry out the State programs funded under this part.”.

#### SEC. 4. PENALTY FOR FAILURE TO COMPLY WITH FAIR TREATMENT REQUIREMENTS.

Section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)) is amended by adding at the end the following:

“(C) INCREASE IN APPLICABLE PERCENTAGE FOR FAILURE TO COMPLY WITH FAIR TREATMENT REQUIREMENTS.—The applicable percent under subparagraph (B)(ii) with respect to a State shall be increased by 5 percentage points for any year in which the Secretary determines that the State has failed to comply with the State plan requirements of clause (i)(V) or (vi) of section 402(a)(1)(A).”.

#### SEC. 5. WAIVERS.

(a) CONTINUATION OF PREWELFARE REFORM WAIVERS.—Section 415 of the Social Security Act (42 U.S.C. 615) is amended by adding at the end the following new subsection:

“(e) CONTINUATION OF WAIVERS APPROVED OR SUBMITTED BEFORE DATE OF ENACTMENT OF WELFARE REFORM.—Notwithstanding subsection (a), with respect to any State that is operating under a waiver described in that

subsection which would otherwise expire on a date that occurs during the period that begins on October 1, 2002, and ends on September 30, 2007, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2007.”.

(b) APPROVAL OF WAIVERS TO DUPLICATE INNOVATIVE PROGRAMS.—Section 415 of the Social Security Act (42 U.S.C. 615), as amended by subsection (a), is further amended by adding at the end the following:

“(f) REQUIREMENT TO APPROVE WAIVERS TO DUPLICATE INNOVATIVE PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, if a State submits an application for a waiver of 1 or more requirements of this part that contains terms that are similar or identical to the terms of a waiver eligible to be continued under subsection (e), and the application satisfies the requirements of paragraph (2), the Secretary—

“(A) shall approve the application for a period of at least 2 years, but not more than 4 years, unless the Secretary determines that approval would be inconsistent with the purposes of this part set forth in section 401;

“(B) at the end of the waiver period, shall review documentation of the effectiveness of the waiver provided by the State; and

“(C) if such documentation adequately demonstrates that the program as implemented under the waiver has been effective, may renew the waiver for such period as the Secretary determines appropriate, but not later than September 30, 2007.

“(2) APPLICATION REQUIREMENTS.—An application for a waiver described in paragraph (1) shall—

“(A) describe relevant State caseload characteristics and labor market conditions;

“(B) specify how the waiver is likely to result in improved employment outcomes, improved child well-being, or both;

“(C) describe the State's proposed approach for evaluation of the program under the waiver; and

“(D) include an agreement to conduct an independent evaluation of the waiver and to submit the results of the evaluation to the Secretary.”.

(c) CONFORMING AMENDMENT.—Section 415(b)(1) of the Social Security Act (42 U.S.C. 615(b)(1)) is amended by inserting “, extended under subsection (e), or approved under subsection (f)” after “(a)”.

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect as if enacted on October 1, 2002.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

S. 264. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's Health Protection and Eligibility Act. I am delighted to be joined on this bill by my good friend, Senator PATTY MURRAY. Senator MURRAY has been a champion for children's health issues throughout her career in the Senate. This important legislation addresses the allocation of budgeted but unspent SCHIP funds that are currently out of reach of States and, under current law, are scheduled to be returned to the Federal treasury. This legislation also helps those States with the highest unemployment rates use more of their SCHIP dollars to provide health insurance coverage for low-income children.

Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at seven percent, we have one of the highest unemployment rates in the country. 214,300 Washingtonians are unable to find work. And just over the last month, our State has lost 2,946 jobs, and over 50 percent of those are in the high-paying manufacturing sector.

In 2000, before the recession began, there were 780,000 uninsured people in Washington State, including 155,000 children. That number has surely grown as the economy has worsened and our population has risen. In fact, in October, the Census Bureau reported that the number of uninsured increased for the first time in two years. Sadly, there are 41.2 million people nationwide without health insurance, 8.5 million of whom are children.

The increasing number of uninsured isn't the only problem facing the health care system. Last September, the Kaiser Family Foundation reported the largest increase in health insurance premium costs since 1990, while the Center for Studying Health System Change found that health care spending has returned to double-digit growth for the first time since that year.

The lack of health insurance has very real consequences. We know that the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care. Health insurance matters for kids, and coverage today defrays costs tomorrow.

Five years ago, Congress created a new \$40 billion State grant program to provide health insurance to low-income, uninsured children who live in families that earn too much to qualify for Medicaid but not enough to afford private insurance. In most States, the State Children's Health Insurance Program, SCHIP has been extremely successful. Nearly one million children gained coverage each year through

By Ms. CANTWELL (for herself and Mrs. MURRAY):

SCHIP and, by December 2001, 3.5 million children were enrolled in the program.

Unfortunately, however, not all States have been able to participate in this success, and perversely, the States that have been left out are those that had taken bold initiatives by expanding their Medicaid programs to cover low-income children at higher levels of poverty. Sadly, the recession and high unemployment means that the health insurance coverage we do have for children, pregnant women, and low-income individuals is in jeopardy due to State budget crises.

Washington State has been a leader in providing health insurance to our constituents. We have long provided optional coverage to Medicaid populations and began covering children up to 200 percent of poverty in 1994, three years before Congress passed SCHIP.

When SCHIP was enacted in 1997, most States were prohibited from using the new funding for already covered populations. This flaw made it difficult for Washington to access the money and essentially penalized the few States that had led the nation on expanding coverage for kids. This means that my State only receives the enhanced SCHIP matching dollars for covering kids between 200 and 250 percent of the Federal poverty level. Washington has been able to use less than four percent of the funding the Federal Government gave us for SCHIP.

Today, Washington has the highest unemployment in the country, an enormous budget deficit, and may need to cut as many as 150,000 kids from the Medicaid roles. Because it is penalized by SCHIP rules and cannot use funds like other states, Washington State is sending \$95 million back to the federal treasury or to other States. This defies common sense, and I do not believe that innovative States should be penalized for having expanded coverage to children before the enactment of SCHIP.

This is why we are introducing the Children's Health Protection and Eligibility Act. This bill will give States the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. This bill targets expiring funds to States that otherwise may have to cut health care coverage for kids. States that have made a commitment to insuring children could use expiring SCHIP funds and a portion of current SCHIP funds on a short-term basis to maintain access to health care coverage for all low-income children in the State. The bill also ensures that all States that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage.

First, as my colleagues know, 1998 and 1999 state allotments "expired" at the end of fiscal year 2002 and are scheduled to be returned to the Federal

treasury. Our bill allows States to keep their remaining 1998 and 1999 funds, and use these funds for the purposes of this legislation.

Second, unused SCHIP dollars from the fiscal year 2000 allotment are due to be redistributed at the end of fiscal year 2002 among those States that have spent all of their SCHIP funds. Our bill would allow the retention and redistribution of these funds as was done two years ago through the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act P.L. 106-554. However, under our bill, States that had an unemployment rate higher than six percent for two consecutive months in 2002 would be eligible to keep all of their unspent 2000 SCHIP allotment.

Third, at State option, for certain Medicaid expenditures, qualifying States would receive the difference between their Medicaid Federal matching assistance percentage, or FMAP, and their enhanced SCHIP matching rate. This temporary measure would be paid out of a State's current SCHIP allotment to ensure children's health care coverage does not erode as States face enormous budget deficits. States would be able to use any remaining funds from fiscal years 1998, 1999, and 2000 SCHIP allotments, plus ten percent of fiscal 2001, 2002, and 2003 allotments.

Finally, our bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

Children are the leaders of tomorrow; they are the very future of our great Nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. During this tough economic time, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. I urge my colleagues to join us in support of this bill.

Mrs. MURRAY. Mr. President, I rise today to join with Senator CANTWELL in introducing the Children's Health Protection and Eligibility Act. This important legislation will ensure that low income children in Washington State are not denied access to health insurance coverage. The legislation provides a fair and equitable distribution of unobligated State balances in the CHIP program. It ensures that States like Washington that have led the Nation in caring for their children are not denied access to vital CHIP dollars. It rewards Washington state for putting children first.

Washington State is facing the greatest fiscal crisis since World War II. Between June 2001 and November 2002, Washington State lost more than 74,000 non-farm jobs. This economic recession has hit families in Washington state hard.

In 2002, before the recession began, there were 155,000 uninsured children in Washington State. Current estimates place this number even higher. With additional layoffs and more families losing COBRA coverage, the number of uninsured children will only continue to grow. Washington State must have access to its CHIP dollars to prevent more children from losing their health care safety net.

Because Washington State was so far ahead of the rest of the Nation in 1997, when CHIP was enacted, our state has been unable to use its full allocation. A majority of children who would be eligible for participation in CHIP were already covered in 1997 under the Medicaid program. As a result, Washington State has been unable to count these children as "CHIP." The federal share of CHIP is currently 67 percent as opposed to Medicaid, which provides only a 50 percent match for Washington state. If the State was able to provide coverage for some of these low income children under CHIP, it would reduce pressure on our state's Medicaid program. Without this relief, Washington State will face additional Medicaid reductions. Many of the children that currently have coverage will lose this coverage and join the ranks of the uninsured.

Allowing the number of children without insurance to grow is both inhumane for our children and irresponsible for our society. Uninsured children are six times as likely as insured children to go without needed medication. Uninsured children are more likely to be treated in the emergency room than insured children. These children are showing up more and more in the emergency room to get basic primary care. The cost of providing this care only increases as their families are forced to delay care. We all pay when children go without health insurance coverage.

This is not just a question of saving money. Providing comprehensive, prevention-based health insurance to children is a sound investment. Delaying this care only adds to the overall cost of health care, education and our criminal justice system. This legislation that we are introducing puts our kids at the front of the line.

I urge my colleagues to join with us in support of this legislation. Let's send the right message to our States: If you do the right thing, you will no longer be denied your fair allocation. Instead, you will be rewarded for putting children first.

By Mrs. BOXER (for herself, Mr. SCHUMER, and Mrs. CLINTON):

S. 265. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Finance.

Mrs. BOXER. Mr. President, today, I am introducing the "The SUV Business Tax Loophole Closure Act" along with

Senator SCHUMER and Senator CLINTON to close a loophole in tax law that some are inappropriately using to deduct a majority of the cost of the largest SUVs on the market.

To encourage small business growth, Congress has created a number of mechanisms for small business owners and the self-employed to be able to deduct a variety of capital expenses immediately. In order to keep people from abusing these deductions to buy passenger cars for personal use and call it a business expense, Congress capped the deduction for car purchases at \$7,660 in the first year, and \$4,900 in the second year after the purchase.

But to help farmers and small business owners that need pick-up trucks or vans for business purposes, Congress excluded from the car cap those vehicles that weigh more than 6,000 pounds. Vehicles larger than 6,000 pounds are eligible for the full capital expense—\$25,000. This tax policy was created before the advent of SUVs, many of which weigh more than 6,000 pounds.

As a result, people who do not need a large vehicle for business purposes are buying the largest Hummer SUVs, Mercedes SUVs, BMW SUVs and other super-sized SUVs and deducting a significant portion of the cost from their taxes immediately. If they were to buy anything smaller than the largest of SUVs, then they would not get the larger tax deduction because the lower weight puts the SUV under the luxury car cap. This distorts the market, pushing up demand for the largest of all SUVs at a huge cost to the taxpayer.

To fix this problem, my legislation places the purchases of SUVs weighing more than 6,000 pounds under the same tax deduction cap placed on the purchase of cars. That would end the market distorting incentive that encourages small business people such as accountants, lawyers, and consultants to buy a Hummer when they do not need a Hummer for business purposes.

Let me give you an example. Karl Wizinsky, a health care consultant in Michigan, bought a \$47,000 Ford Excursion earlier this year and was able to write off \$32,000 of the purchase price as a business expense. He was not even thinking about buying a new car until he heard about the deduction. In the December 18, 2002 Detroit News article, he said "We really did it, bought the SUV, because it is a pretty hefty deduction." Now, a health care consultant may need to carry medical samples around town but he certainly does not need a 6,000 pound, extra-large SUV to do it and we should not be subsidizing that purchase. The group "Taxpayers for Common Sense" estimates that the SUV tax loophole costs government between \$840 million and \$987 million for every 100,000 SUVs over 6,000 pounds sold to business.

I propose to fix the problem by including extra-large SUVs under the same deduction cap we have in place for cars. In order to ensure that farm-

ers and small business owners can still get the tax credit to purchase trucks for hauling or vans for transporting products, I have carved out SUVs very carefully. The bill specifically allows the larger deduction for any vehicle which: No. 1. does not have the primary load carrying device or container attached; No. 2. has a seating capacity of more than 12 people; No. 3. is designed for more than 9 persons in seating rearward of the driver's seat; No. 4. is equipped with an open cargo area, for example a pick-up truck or box bed, of 72 inches in interior length or more; or No. 5. has an integral enclosure, fully enclosing the driver compartment and load carrying device and having no body section protruding more than 30 inches ahead of the leading edge of the windshield. This will allow the larger deduction to continue to be taken for the purchase of vehicles that small businesses and farmers truly need, including pick-up trucks and cargo vans.

I know that Congress never intended for the SUV tax loophole to exist, and I look forward to working with my colleagues to close it.

By Mr. MCCAIN:

S. 267. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

Mr. MCCAIN. Mr. President, today I am introducing the Telecommunications Ownership Diversity Act of 2003. This legislation is designed to ensure that more Americans have an opportunity to provide their distinct voices in today's telecommunications marketplace. In addition to providing competition by certain small businesses, this bill would encourage ownership by individuals who are currently underrepresented in the ownership of telecommunications companies, including minorities and women, by making carefully crafted changes in the tax code.

The bill would institute market-based, voluntary measures designed to achieve this goal. It would provide sellers of telecommunications assets a tax deferral when those assets are bought for cash by certain small businesses. It would also provide investors an incentive to consider certain small businesses by providing a reduction in the tax on gains from investment in these companies.

Today, transactions in the telecommunications industry are routinely valued in the billions of dollars. Even radio, which has traditionally been a comparatively easier telecom segment to enter, has been priced out of the range of most would-be entrants. Given the significant cost of participating in this industry, the limited club of media and other telecommunications owners may not always include certain small businesses.

This morning, I chaired a hearing in the Committee on Commerce, Science, and Transportation on media ownership. We heard of the difficulties small minority-owned businesses experience when trying to raise the capital necessary to enter this business. Minorities are woefully underrepresented in the ownership of commercial broadcast facilities. As of December 2000, minorities owned an estimated 3.8 percent of these facilities in the United States, despite representing an estimated 29 percent of the total United States population. The bill does not mandate ownership levels by any specific group. But it does ensure that certain small businesses are on equal footing with large companies. We should ensure that the American media landscape includes opportunities for these voices to be heard.

Too often today, new entrants and small businesses lose out on opportunities to purchase telecom assets because they don't offer sellers the same tax treatment as their larger competitors. A small purchaser's cash offer triggers tax liability, while a larger purchaser's stock offer may be accepted effectively tax-free. When an entity chooses to sell a telecom business, our tax laws should not make one bidder more attractive than another.

The goal of viewpoint diversity has been at the center of recent debate over media ownership rules. While it is important to discuss the relative merits of ownership restrictions, we must also consider market-based, voluntary methods of facilitating entry and diversity of ownership. And that's what this legislation would do.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Ownership Diversification Act of 2003".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Current trends in the telecommunications industry show that there is increasing convergence among various media, including broadcasting, cable television, and Internet-based businesses, that provide news, information, and entertainment.

(2) This convergence will continue, and therefore, diversifying the ownership of telecommunications facilities remains a pre-eminent public interest concern that should be reflected in both telecommunications and tax policy.

(3) A market-based, voluntary system of investment incentives is an effective, lawful, and economically sound means of facilitating entry and diversification of ownership in the telecommunications industry.

(4) Opportunities for new entrants to participate and grow in the telecommunications industry have substantially decreased since the end of the Federal Communications

Commission's tax certificate policy in 1995, particularly in light of the availability of tax-free like-kind exchanges, despite the most robust period of transfers of radio and television stations in history. During this time, businesses owned or controlled by socially disadvantaged individuals, including, but not limited to, members of minority groups and women, have continued to be underrepresented as owners of telecommunications facilities.

(5) Businesses owned or controlled by socially disadvantaged individuals are, and historically have been, economically disadvantaged in the telecommunications industry. For these businesses, access to and cost of capital are and have been substantial obstacles to new entry and growth. Consequently, diversification of ownership in the telecommunications industry has been limited.

(6) Telecommunications facilities owned by new entrants may not be attractive to investors because their start-up costs are often high, their revenue streams are uncertain, and their profit margins are unknown.

(7) It is consistent with the public interest and with the pro-competition policies of the Telecommunications Act of 1996 to provide incentives that will facilitate investments in, and acquisition of, telecommunications facilities by economically and socially disadvantaged businesses, thereby diversifying the ownership of telecommunications facilities.

(8) Increased participation by economically and socially disadvantaged businesses in the ownership of telecommunications facilities will enhance competition in the telecommunications industry. Permitting sellers of telecommunications facilities to defer taxation of gains from transactions involving economically and socially disadvantaged businesses, or certain small businesses supported by investments from the Telecommunications Development Fund that provides capital for such businesses, will further the development of a competitive and diverse United States telecommunications industry without governmental intrusion in private investment decisions.

(9) The public interest would not be served by attempts to diversify the ownership of telecommunications businesses through any approach that would involve the use of mandated set-asides or quotas.

(10) Today, the telecommunications industry is struggling to survive one of its most troubling times. Therefore, facilitating voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses and certain small businesses will aid in providing the investment and capital that is crucial to this sector.

(b) PURPOSE.—The purpose of this Act is to facilitate voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses and certain small businesses.

### SEC. 3. NONRECOGNITION OF GAIN ON CERTAIN QUALIFIED SALES OF TELECOMMUNICATIONS BUSINESSES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to gain or loss on disposition of property) is amended by inserting after part IV the following new part:

#### “PART V—CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES

“Sec. 1071. Nonrecognition of gain on certain sales of telecommunications businesses.

#### “SEC. 1071. NONRECOGNITION OF GAIN ON CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES.

“(a) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this section to a qualified telecommunications sale, such sale shall be treated as an involuntary conversion of property within the meaning of section 1033.

“(b) LIMITATION ON AMOUNT OF GAIN ON WHICH TAX MAY BE DEFERRED.—

“(1) IN GENERAL.—The amount of gain on any qualified telecommunications sale which is not recognized by reason of this section—

“(A) shall not exceed \$250,000,000 per sale, and

“(B) shall not exceed  $\frac{1}{3}$  of such dollar amount per taxable year.

“(2) CARRYFORWARDS OF UNUSED AMOUNTS.—If the amount of gain on any qualified telecommunications sale which is not recognized by reason of this section exceeds the limitation imposed by paragraph (1)(B) for the taxable year, such excess shall be carried to the succeeding taxable year and added to the amount allowable under this section for such taxable year.

“(c) QUALIFIED TELECOMMUNICATIONS SALE.—For purposes of this section, the term ‘qualified telecommunications sale’ means any sale to an eligible purchaser of—

“(1) the assets of a telecommunications business, or

“(2) stock in a corporation if, immediately after such sale—

“(A) the eligible purchaser controls (within the meaning of section 368(c)) such corporation, and

“(B) substantially all of the assets of such corporation are assets of 1 or more telecommunications businesses, or

“(3) an interest in a partnership if, immediately after such sale—

“(A) the eligible purchaser owns a partnership interest possessing—

“(i) at least 80 percent of the total combined voting power of all classes of partnership interests entitled to vote,

“(ii) control over the management of the partnership,

“(iii) at least 80 percent of the capital interests of the partnership, and

“(iv) a distributive share of at least 80 percent of each item of the partnership's income, gain, loss, deduction or credit, and

“(B) substantially all of the assets of such partnership are assets of 1 or more telecommunications businesses.

“(d) SPECIAL RULES.—

“(1) IN GENERAL.—In applying section 1033 for purposes of subsection (a), stock of a corporation or an interest in a partnership operating a telecommunications business, whether or not representing control of such corporation or partnership, shall be treated as property similar or related in service or use to the property sold in the qualified telecommunications sale.

“(2) ELECTION TO REDUCE BASIS RATHER THAN RECOGNIZE REMAINDER OF GAIN.—If—

“(A) a taxpayer elects the treatment under subsection (a) with respect to any qualified telecommunications sale, and

“(B) an amount of gain would (but for this paragraph) be recognized on such sale under section 1033(a)(2)(A) in excess of the amount required to be recognized by reason of subsection (b),

then the amount of gain described in this subparagraph shall not be recognized to the extent that the taxpayer elects to reduce the basis of depreciable property (within the meaning of section 1017(b)(3)) held by the taxpayer immediately after the sale or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary.

“(3) BASIS.—For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033(b).

“(e) RECAPTURE OF TAX BENEFIT IF TELECOMMUNICATIONS BUSINESS RESOLD WITHIN 3 YEARS, ETC.—

“(1) IN GENERAL.—If, within 3 years after the date of any qualified telecommunications sale, there is a recapture event with respect to the property involved in such sale, then the purchaser's tax imposed by this chapter for the taxable year in which such event occurs shall be increased by an amount equal to the product of—

“(A) the highest marginal rate of income tax imposed on corporations under section 11, and

“(B) the lesser of—

“(i) the consideration furnished by the purchaser in such sale, or

“(ii) the dollar amount specified in subsection (b)(1)(A).

“(2) EXCEPTION FOR REINVESTED AMOUNTS.—Paragraph (1) shall not apply to any recapture event which is a sale if—

“(A) the sale is a qualified telecommunications sale, or

“(B) during the 60-day period beginning on the date of such sale, the taxpayer is the purchaser in another qualified telecommunications sale in which the consideration furnished by the taxpayer is not less than the amount realized on the recapture event sale.

“(3) RECAPTURE EVENT.—For purposes of this subsection, the term ‘recapture event’ means, with respect to any qualified telecommunications sale—

“(A) any sale or other disposition of the assets, stock, or partnership interest referred to in subsection (c) which were acquired by the taxpayer in such sale, and

“(B) in the case of a qualified telecommunications sale described in paragraph (2) or (3) of subsection (c)—

“(i) any sale or other disposition of a telecommunications business by the corporation or partnership referred to in such subsection, or

“(ii) any other transaction which results in the eligible purchaser ceasing to be an eligible purchaser, or ceasing to have control (as defined in subsection (c)(2)(A)) of such corporation or ownership of an interest in such partnership sufficient to satisfy the requirements of subsection (c)(3)(A).

“(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE PURCHASER.—The term ‘eligible purchaser’ means—

“(A) any economically and socially disadvantaged business, or

“(B) any corporation or partnership if immediately following the purchase—

“(i) substantially all the assets of such corporation or partnership are assets of 1 or more telecommunications businesses, and

“(ii) the Telecommunications Development Fund established under section 714 of the Communications Act of 1934 (47 U.S.C. 614) or any wholly-owned affiliate of such Fund owns at least 5 percent of—

“(I) the stock in such corporation,

“(II) the partnership interest in such partnership, or

“(III) the indebtedness convertible into such stock or partnership interest.

“(2) ECONOMICALLY AND SOCIALLY DISADVANTAGED BUSINESS.—The term ‘economically and socially disadvantaged business’ means a person which is designated by the Secretary as an economically and socially disadvantaged business based on a determination that such person—

“(A) meets the control requirements of paragraph (6),

“(B) will be a telecommunications business after the purchase for which the eligibility determination is sought, and

“(C) before the purchase for which the eligibility determination is sought does not have—

“(i) attributable ownership interest in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 73.3555(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001,

“(ii) attributable ownership interest in—

“(I) more than 50 radio stations nationally, and

“(II) radio stations with a combined market share exceeding 10 percent of radio advertising revenues in the relevant market as defined by the Federal Communications Commission, or

“(iii) attributable ownership interest in any other telecommunications business having more than 5 percent of national subscribers of their respective service.

“(3) RELEVANT MARKET.—The term ‘relevant market’ means the local radio market served by the radio station or stations being purchased.

“(4) TELECOMMUNICATIONS BUSINESS.—The term ‘telecommunications business’ means a business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act of 1934, including a cable system (as defined in section 602(7) of such Act (47 U.S.C. 522(7))), a radio station (as defined in section 3(35) of such Act (47 U.S.C. 153(35))), a broadcasting station providing television service (as defined in section 3(49) of such Act (47 U.S.C. 153(49))), a provider of direct broadcast satellite service (as defined in section 335(b)(5)(A) of such Act (47 U.S.C. 335(b)(5)(A))), a provider of video programming (as defined in section 602(20) of such Act (47 U.S.C. 522(20))), a provider of commercial mobile services (as defined in section 332(d)(1) of such Act (47 U.S.C. 332(d)(1))), a telecommunications carrier (as defined in section 3(44) of such Act (47 U.S.C. 153(44))), a provider of fixed satellite service, a reseller of the communications service or commercial mobile service, or a provider of multichannel multipoint distribution service.

“(5) PURCHASE.—A taxpayer shall be considered to have purchased a property if, but for subsection (d)(2) and the application of section 1033(b), the basis of the property would be its cost within the meaning of section 1012.

“(6) CONTROL.—

“(A) INDIVIDUALS.—For purposes of paragraph (2)(A), an individual who meets the requirements of paragraph (7) also meets the requirements of this paragraph.

“(B) ENTITIES.—For purposes of paragraph (2)(A), an entity meets the requirement of this paragraph if the requirements of subparagraphs (C), (D), or (E) are satisfied.

“(C) 30-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation, individuals who meet the requirements of paragraph (7) collectively own at least 30 percent in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation, and

“(ii) with respect to any entity which is a partnership, individuals who meet the requirements of paragraph (7) collectively own at least 30 percent of the capital interests in the partnership, a distributive share of at least 30 percent of each item of the partnership’s income, gain, loss, deduction, or cred-

it, more than 50 percent of the total combined voting power of all partnership interests entitled to vote, and control over the management of the partnership.

“(D) 15-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

“(i) with respect to any entity which is a corporation—

“(I) individuals who meet the requirements of paragraph (7) collectively own at least 15 percent in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation, and

“(II) no other person owns more than 25 percent in value of the outstanding stock of the corporation, and

“(ii) with respect to any entity which is a partnership—

“(I) individuals who meet the requirements of paragraph (7) collectively own at least 15 percent of the capital interests in the partnership, a distributive share of at least 15 percent of each item of the partnership’s income, gain, loss, deduction, or credit, more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote, and control over the management of the partnership, and

“(II) no other person owns more than 25 percent of the capital interests and profits interests in the partnership or a distributive share of more than 25 percent of any item of the partnership’s income, gain, loss, deduction, or credit.

“(E) PUBLICLY-TRADED CORPORATION TEST.—The requirements of this subparagraph are satisfied if, with respect to a corporation the securities of which are traded on an established securities market, individuals who meet the requirements of paragraph (7) collectively own more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation.

“(F) RESTRICTIONS ON AGREEMENTS CONCERNING VOTING OF STOCK OR PARTNERSHIP INTERESTS.—For purposes of satisfying the requirements of subparagraph (C), (D), or (E), the stock or partnership interest relied upon to establish compliance shall not be subject to any agreement, arrangement, or understanding which provides for, or relates to, the voting of the stock or partnership interest in any manner by, or at the direction of, any person other than an eligible individual who meets the requirements of paragraph (7), or the right of any person other than 1 of those individuals to acquire the voting power through purchase of shares, partnership interests, or otherwise.

“(G) CONSTRUCTIVE OWNERSHIP.—In applying subparagraphs (C), (D), (E), and (F), the constructive ownership rules of section 318 shall apply, but only if the interests for which constructive ownership is claimed are not owned, directly or indirectly, by individuals who do not meet the requirements of paragraph (7).

“(7) INDIVIDUALS.—An individual meets the requirements of this paragraph if such individual is—

“(A) a United States citizen, and

“(B) a member of an economically or socially disadvantaged class determined by the Secretary to be underrepresented in the ownership of the relevant telecommunications business.”.

(b) CONFORMING AMENDMENTS.—

(1) Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(A) by inserting “section 1071 (relating to certain sales of telecommunications businesses)” before section 1081”, and

(B) by inserting “AND 1071” before “1081” in the heading thereof.

(2) The table of parts for subchapter O of chapter 1 of such Code is amended by inserting after the item relating to part IV the following new item:

“Part V. Certain sales of telecommunications businesses.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to elections made with respect to any sale on or after the date of the enactment of this Act.

#### SEC. 4. TELECOMMUNICATIONS BUSINESS CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

##### “SEC. 48A. TELECOMMUNICATIONS BUSINESS CREDIT.

“For purposes of section 46, there is allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to 10 percent of the taxable income of any taxpayer which at all times during such taxable year—

“(1) is a local exchange carrier (as defined in section 3(26) of the Communications Act of 1934 (47 U.S.C. 153(26))),

“(2) is not a Bell operating company (as defined in section 3(4) of such Act (47 U.S.C. 153(4))), and

“(3) is headquartered in an area designated as an empowerment zone by the Secretary of Housing and Urban Development.”.

(b) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following new paragraph:

“(11) NO CARRYBACK OF SECTION 48A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the telecommunications business credit determined under section 48A may be carried back to a taxable year ending on or before the date of the enactment of section 48A.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, and”, and by adding at the end the following new paragraph:

“(4) the telecommunications business credit.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following new item: “48A. Telecommunications business credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

#### SEC. 5. EXCLUSION OF 50 PERCENT OF GAIN.

(a) IN GENERAL.—Section 1202 of the Internal Revenue Code of 1986 (relating to partial exclusion for gain from certain small business stock) is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

“(3) CERTAIN TELECOMMUNICATIONS INVESTMENTS BY CORPORATIONS AND INVESTMENT COMPANIES.—Gross income shall not include 50 percent of any gain from the sale or exchange of stock in an eligible purchaser (as defined in section 1071(f)(1)), engaged in a telecommunications business (as defined in section 1071(f)(4)) held for more than 5 years.”.

(2) by striking subparagraphs (A) and (B) of subsection (b)(1) and inserting the following new subparagraphs:

“(A) in the case of gain from the sale or exchange of qualified small business stock held for more than 5 years—

“(i) \$10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispositions of stock issued by such corporation, or

“(ii) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporation and disposed of by the taxpayer during the taxable year, and

“(B) in the case of gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business for more than 5 years—

“(i) \$20,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispositions of stock issued by an eligible purchaser engaged in a telecommunications business, or

“(ii) 15 times the aggregate adjusted bases of stock of an eligible purchaser engaged in a telecommunications business issued by such eligible purchaser and disposed of by the taxpayer during the taxable year.”,

(3) by striking “subparagraph (B)” in the last sentence of subsection (b)(1) and inserting “subparagraphs (A)(ii) and (B)(ii)”,

(4) by striking “years.” in subsection (b)(2) and inserting “years or any gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business held for more than 5 years.”, and

(5) by striking the period at the end of subsection (b)(3)(A) and inserting “, and paragraph (1)(B) shall be applied by substituting ‘\$10,000,000’ for ‘\$20,000,000’.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to sales on or after the date of the enactment of this Act.

#### **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS; REGULATIONS.**

(a) **TECHNICAL AND CONFORMING AMENDMENTS.**—The Secretary of the Treasury shall, not later than 150 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a draft of any technical and conforming amendments of the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the amendments made by this Act.

(b) **REGULATIONS.**—The Secretary of the Treasury, in consultation with the Federal Communications Commission, shall promulgate regulations to implement the amendments made by this Act not later than 90 days after the date of the enactment of this Act. The regulations shall provide for the determination by the Secretary of the Treasury as to whether an applicant is an “eligible purchaser” as defined in section 1071(f) of the Internal Revenue Code of 1986 (as added by section 3(a)). The regulations shall further provide that such determinations of eligibility shall be made not later than 45 calendar days after an application is filed with the Secretary of the Treasury. The regulations implementing section 1071(f)(7) of such Code (as added by section 3) shall be updated on an ongoing basis not less frequently than every 5 years.

#### **SEC. 7. BIENNIAL PROGRAM AUDITS BY GAO.**

Not later than January 1, 2005, and not later than 2 years thereafter, the Comptroller General of the United States shall audit the administration of the sections of the Internal Revenue Code of 1986 added or amended by this Act, and issue a report on the results of that audit. The Comptroller General shall include in the report, notwithstanding any provision of section 6103 of the Internal Revenue Code of 1986 to the contrary—

(1) a list of eligible purchasers (as defined in section 1071(f)(1) of such Code) and any

other taxpayer receiving a benefit from the operation of section 48A or 1202 of such Code as such section was added or amended by this Act, and

(2) an assessment of the effect the amendments made by this Act have on increasing new entry and growth in the telecommunications industry by economically and socially disadvantaged businesses, and the effect of this Act on enhancing the competitiveness of the telecommunications industry.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 268. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia and its environs to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Energy and Natural Resources.

Mr. VOINOVICH. Mr. President, it will be ten years ago this October that Americans watched in horror as a U.S. humanitarian effort went terribly askew. As frightening pictures from U.S. troops in Somalia came back to the United States, a group of students at Riverside High School in Painesville, OH watched in shock as a U.S. soldier was dragged through the streets of Mogadishu. These students, concerned with the lack of a memorial in our Nation's Capital to honor members of our armed forces who lost their lives during peacekeeping missions such as the one in Somalia, felt compelled to take action.

The motivation and vision of these young people propelled them to spearhead a campaign to establish a Pyramid of Remembrance in Washington, DC, which would honor U.S. service men and women who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations. The student not only proposed the memorial, they created a private non-profit foundation to raise the money to construct it. Along with the support of their community, who provided legal counsel for the students and private donations to help fund the project, their hard work and dedication has facilitated a Pyramid of Remembrance which would be built at little or no cost to the taxpayer.

In April 2001, the National Capital Memorial Commission, charged with overseeing monument construction in Washington, DC, held hearings about the proposed Pyramid of Remembrance. The Commission recommended that the memorial be constructed on Defense Department land, possibly at Fort McNair. The commissioners also noted that such a memorial would indeed fill a void in our Nation's military monuments.

On May 6, 1999, I spoke on the Senate floor in honor of two brave American soldiers, Chief Warrant Officer Kevin L. Reichert and Chief Warrant Officer David A. Gibbs, who lost their lives

when their Apache helicopter crashed into the Albanian mountains during a routine training exercise on May 5, 1999, as U.S. troops joined with our NATO allies in a military campaign against Slobodan Milosevic. As I remarked at the time, the United States owes Kevin, David and so many other service members a debt of gratitude that we will never be able to repay, for they have paid the ultimate sacrifice. As the Bible says in John, chapter 15:13, “Greater love has no man than this, that a man lay down his life for his friends.”

We must also remember and honor the lives of brave men and women who have lost their lives while defending our freedom during the global campaign against terrorism. Tragically, ten service members, including three men from the State of Ohio, lost their lives on February 21, 2002, when a CH-47 Chinook helicopter crashed in the Philippines. They are Army Captain Bartt Owens of Franklin, OH; Army Chief Warrant Officer Jody Egnor of Middletown, OH; and Air Force Master Sgt. William McDaniel of Fort Jefferson, OH. As our Nation continues to engage in the war against terror, we must not forget the sacrifice that these men have made for their country and the freedom of all Americans.

The patriotism, dedication, and vision of the students at Riverside High School are commendable. I support and applaud the work they have done to make the Pyramid of Remembrance a reality and I believe it is our duty to honor American men and women in uniform who have lost their lives while serving their country, whether in peacetime or during war.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 268

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. ARMED FORCES MEMORIAL.**

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map referred to in section 8902(a)(3) of title 40, United States Code.

(2) **MEMORIAL.**—The term “memorial” means the memorial authorized to be established under subsection (b)(1).

(b) **AUTHORITY TO ESTABLISH MEMORIAL.**—

(1) **IN GENERAL.**—The Pyramid of Remembrance Foundation may establish a memorial on Federal land in the area depicted on the map as “Area II” to honor members of the Armed Forces of the United States who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations.

(2) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

(B) **EXCEPTION.**—Subsections (b) and (c) of section 8903 of title 40, United States Code, shall not apply to the establishment of the memorial.



(c) FUNDS FOR MEMORIAL.—

(1) USE OF FEDERAL FUNDS PROHIBITED.—Except as provided by chapter 89 of title 40, United States Code, no Federal funds may be used to pay any expense incurred from the establishment of the memorial.

(2) DEPOSIT OF EXCESS FUNDS.—The Pyramid of Remembrance Foundation shall transmit to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of title 40, United States Code—

(A) any funds that remain after payment of all expenses incurred from the establishment of the memorial (including payment of the amount for maintenance and preservation required under section 8906(b) of title 40, United States Code); or

(B) any funds that remain on expiration of the authority for the memorial under section 8903(e) of title 40, United States Code.

By Mr. JEFFORDS (for himself, Mr. ENSIGN, Mr. WYDEN, Mr. LEVIN, and Mr. SMITH):

S. 269. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Captive Wildlife Safety Act, a firm commitment to protect public safety and the welfare of wild cats that are increasingly being kept as pets. I am joined by Senator ENSIGN of Nevada, Senator WYDEN of Oregon and Senator LEVIN of Michigan as original co-sponsors of this legislation.

This bill amends the Lacey Act Amendment of 1981 to bar the interstate and foreign commerce of carnivorous wild cats, including lions, tigers, leopards, cheetahs, and cougars. The legislation would not ban all private ownership of these prohibited species, but would outlaw the commerce of these animals for use as pets.

Current figures estimate that there are more than 5,000 tigers in captivity in the United States. In fact, there are more tigers in captivity in the United States than there are in native habitats throughout the range in Asia. While some tigers are kept in zoos, most of these animals are kept as pets, living in cages behind someone's house, in a State that does not restrict private ownership of dangerous animals.

Tigers are not the only animals sought as exotic pets. Today there are more than 1,000 web sites that specialize in the trade of lions, cougars, and leopards to promote them as domestic pets.

Untrained owners are not capable of meeting the needs of these animals. Local veterinarians, animal shelters, and local governments are ill equipped to meet the challenge of providing for their proper care. If they are to be kept in captivity, these animals must be cared for by trained professionals who can meet their behavioral, nutrition, and physical needs.

People who live near these animals are also in real danger. These cats are large and powerful animals, capable of injuring or killing innocent people. There are countless stories of many unfortunate and unnecessary incidents where dangerous exotic cats have endangered public safety. Last year in Lexington, TX, a three-year-old boy

was killed by his stepfather's pet tiger. In Loxahatchee, FL, a 58 year-old woman was bitten on the head by a 750 pound Siberian-Bengal Tiger being kept as a pet, and in Quitman, AR, four 600 to 800 pound tigers escaped from a "private safari". Parents living nearby sat in their front yards with high-powered rifles, guarding their children at play, frightened that the wild tigers might attack them.

This is a balanced approach that preserves the rights of those already regulated by the Department of Agriculture under the Animal Welfare Act such as circuses, zoos, and research facilities. This Act specifically targets unregulated and untrained individuals who are maintaining these wild cats as exotic pets.

The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive federal legislation to regulate what animals can be kept as pets. The United States Department of Agriculture states, "Large wild and exotic cats such as lions, tigers, cougars, and leopards are dangerous animals . . . Because of these animals' potential to kill or severely injure both people and other animals, an untrained person should not keep them as pets. Doing so poses serious risks to family, friends, neighbors, and the general public. Even an animal that can be friendly and lovable can be very dangerous."

The American Veterinary Medical Association also "strongly opposes the keeping of wild carnivore species of animals as pets and believes that all commercial traffic of these animals for such purpose should be prohibited."

This bill preserves those local regulations already in existence. Full bans are already in place in 12 States and partial bans have been enacted in 7 States. I sincerely hope that grass roots organizations continue to encourage State and local governments to ban the private ownership of exotic cats.

The Captive Wildlife Safety Act is supported by the Association of Zoos and Aquariums, the Humane Society of the United States, the Funds for Animals, and the International Fund for Animal Welfare.

No one should be endangered by those who cannot properly keep these animals. Exotic cats in captivity should be able to live humanely and healthfully.

I ask my colleagues to support this legislation and look forward to working with our partners in the House to enact the Captive Wildlife Safety Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 269

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Wildlife Safety Act".

#### SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

"(k) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means any live lion, tiger, leopard, cheetah, jaguar, or cougar."

#### SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ", or" at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting "or" after the semicolon at the end; and

(iii) by adding at the end the following:

"(C) any prohibited wildlife species (subject to subsection (e));";

(B) in paragraph (3)(B), by inserting "or" after the semicolon at the end; and

(C) in paragraph (4), by striking "paragraphs (1) through (4)" and inserting "paragraphs (1) through (3)"; and

(2) by adding at the end the following:

"(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

"(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

"(A) any zoo, circus, research facility licensed or registered and inspected by a Federal agency, or aquarium;

"(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;

"(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

"(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

"(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or

"(F) any person having custody of a wild animal solely for the purpose of transporting the animal to a person referred to in this paragraph.

"(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

"(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State."

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. ENSIGN. Mr. President, today, I am pleased to be joined by my distinguished colleagues in introducing legislation that addresses the welfare of exotic animals throughout the country. Specifically, this bill prohibits the interstate shipment of exotic animals; namely lions, cheetahs, tigers, jaguars, and leopards. Only zoos, circuses, sanctuaries, universities, licensed breeders and other Federal and State licensed facilities are exempted from this prohibition.

During my days as a practicing veterinarian, I saw firsthand exotic animals mistreated by owners who were ill-prepared to care for them. All too often, large cats are put in cages that are too small to accommodate their growing needs. Owners often buy a young tiger or cat, paying more attention to their cuddly exterior rather

than the overwhelming responsibility that comes along with raising an animal that will grow into a large, wild, predator.

In my home State of Nevada, there is a burgeoning population of exotic animals being kept as pets. I have been contacted by animal control centers throughout the State that are called to aid in situations where a wild tiger or lion has escaped and run amok. In these situations, not only are the owners and the animal control professionals in danger, so too are children and other neighbors who may be in the wrong place at the wrong time. These animals' instinct is to attack, and they will do so, if given the opportunity. That is why only highly trained individuals who have the know-how and the resources should be able to own exotic animals.

In fact, I am informed that officials in Nye County in my home State, are working to pass a county ordinance that would ban the ownership of exotic animals because of the threat these animals pose to public safety. We have the support and backing of the Humane Society of the United States, the American Veterinary Medical Association, and the American Zoo and Aquarium Association.

This legislation protects the public, but also ensures that the animals receive the best care possible from certified and trained owners. I look forward to having the overwhelming support of my colleagues in the Senate.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. DASCHLE, Mr. REED, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Ms. CANTWELL, and Mr. ROCKEFELLER):

S. 270. A bill to provide for additional weeks of temporary extended unemployment compensation, to provide for a program of temporary enhanced unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, Congress took an important step forward for working families earlier this month by providing unemployment benefits for nearly 3 million jobless Americans. These benefits are a lifeline for the millions of workers who have lost their jobs through no fault of their own, but as we all know, there is much more work to be done on this basic issue. One million workers have run out of their State and Federal benefits and remain without jobs. Clearly, these workers deserve our help too.

In fact, there is an additional category of workers who have not even received a dime of unemployment benefits. They paid into the unemployment insurance fund, and they lost their jobs due to the failing economy, but they have been left behind by the outdated eligibility rules in our unemployment laws.

Today, I am introducing the Economic Security Act of 2003 to cover the 1 million who have exhausted their

benefits, as well as the nearly 1 million low-wage and part-time workers currently not eligible for unemployment benefits, and to increase benefit levels to help keep families out of poverty during periods of unemployment.

Nationally, only about half of unemployed workers received unemployment benefits last year. This number has dropped precipitously since 1975 when 75 percent of unemployed workers received benefits. This increasingly serious problem is a result of laws implemented in the 1980s to restrict eligibility for the unemployment insurance program. Because of these restrictions, many of the unemployed workers who do not receive benefits today are excluded because they are part-time or low-wage workers.

In all but 12 States, low-wage workers are ineligible for benefits because their most recent earnings are not counted. As a result, many former welfare recipients—success stories who have recently entered the workforce, have now lost their jobs because of the economic down-turn, but they are being denied the unemployment benefits they deserve. Many minimum wage workers, who work hard and play by the rules and have not seen a raise in 6 years, are also left behind. Those low-income workers are now left without a safety net.

In addition, the majority of States do not provide benefits to part-time workers, despite the fact that part-time workers are an essential part of the labor force. They now comprise nearly 20 percent of the workforce. Part-time workers also represent a large share of the unemployed, one in five unemployed workers today were working part-time before they lost their jobs. Women now represent 70 percent of the part-time workforce, compared with 44 percent of full-time workers, and 17.5 percent of part-time workers earn less than \$15,000 a year. Despite their significant labor force role, part-time working adults are half as likely as full-time workers to receive unemployment insurance benefits. Nationally, only 12 percent of unemployed part-time workers receive unemployment benefits.

Under the Economic Security Act, the Federal Government will reimburse States for 1 year for the cost of providing unemployment benefits to two categories of workers: 1. Those who would be eligible for regular unemployment compensation if their last completed quarter of earnings is included in their wage record, and 2. those seeking part-time employment.

The bill will also provide Federal funds to states to increase the level of unemployment benefits. Sadly, these benefits today are often not sufficient to meet basic needs such as paying the rent or putting food on the table. In 2000, the average unemployment benefit replaced only 33 percent of workers' lost income, a steep drop from the 46 percent of wages replaced by benefits during the recessions of the 1970's and

1980's. During an economic crisis, unemployed workers have few opportunities to rejoin a declining workforce. They depend on unemployment benefits to live.

Raising benefits will enable these workers to support their families and invest more in the economy. They immediately spend their unemployment insurance benefits in their communities, and that spending will provide a needed, immediate stimulus to the economy. In fact, every dollar spent on unemployment benefits boosts the economy by \$2.15.

The Economic Security Act of 2003 will provide Federal reimbursements for states which increase their weekly unemployment checks by the greater of 15 percent or \$25 for 1 year. Under this provision, the average recipient will have an extra \$135 a month. Unemployed households will use this amount to help pay the rent, buy groceries, keep the family car running, or hire a babysitter during job interview. This boost in unemployment benefits will stimulate the economy and help these laid-off workers support their families while they look for a new job.

State unemployment insurance administrators often fall short of the funds they need to administer benefits efficiently and promptly, and to see that all who are eligible receive their benefits. The Act provides \$500 million to State Unemployment offices to offset the administrative expenses associated with implementing the new coverage and benefit changes, and to provide better employment services to workers receiving unemployment compensation.

Congress cannot continue to ignore the plight of millions of Americans hurt by economic forces beyond their control. As we work together to get the economy moving again, we must also work together to see that no one is left behind. We have a responsibility to give help and hope to these deserving Americans by strengthening unemployment insurance to cover all unemployed workers, and I urge my colleagues to give high priority to this needed reform.

By Mr. SMITH (for himself, Mr. CORZINE, Mr. SCHUMER, and Ms. SNOWE):

S. 271. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce, with my friend and colleague, Senator CORZINE, the "Municipal Debt Refinancing Act of 2003." We are pleased to be joined by Senator SCHUMER and Senator SNOWE in this bipartisan effort. This important legislation will allow States and localities access to low cost capital during this current period of fiscal crisis, allowing cities to take advantage of low interest

rates by permitting an additional advance refunding of most tax-exempt governmental bonds. This bill provides Oregon cities like Portland, Eugene or Salem, all of which issue municipal bonds, with an increased ability to ease some of the budgetary constraints they currently face.

When interest rates fall, homeowners often seek to refinance their mortgages to reduce interest costs. Similarly, State and local governments take advantage of low interest rates by refinancing outstanding high-cost debt. However, unlike homeowners who can usually refinance at any time, municipalities can only redeem existing debt on specific dates, known as call dates. If an issuer would benefit from a refunding transaction but the existing bonds are not currently eligible to be called, the issuer can still refinance by executing an "advance refunding." In this case, the State or local government issues advance refunding bonds and the proceeds of the new bonds are held in reserve to pay the interest and principal on the old bonds until they become callable.

The Federal tax code prohibits tax-exempt bond issuers from advance refunding most bonds more than once. Therefore, if a bond has been advance refunded once and interest rates fall to the point where a State or local government would benefit from an additional advance refunding, the issuer is precluded from taking advantage of the lower rates.

Under current law, bonds originally issued after 1985 may only be advance refunded once. Bonds issued before 1986 may be advance refunded twice. Second, most private activity bonds may not be advance refunded. In the past, Congress has considered amending Section 149 of the Code to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for "essential government functions".

"Essential government functions," as currently defined in tax regulations, include facilities "owned by a governmental person and that are available for use by the general public." In practice, such an approach would likely encompass most bonds issued to finance facilities owned by State or local governments. One way to limit the revenue cost of this proposal would be to impose a sunset on the expanded advance refunding authority. This would also encourage municipal bond issuers to take advantage of the additional advance refunding more immediately, maximizing the proposal's potential economic stimulative effect.

State and local access to capital at the lowest possible cost is critical at this time and vital to Oregon's long-term economic growth. Further, tax-exempt bonds fund a wide variety of capital infrastructure projects such as schools, roads and highways, bridges, water and sewer systems, airports, and parks, among many others. As Oregon faces a fiscal crisis on such a large

scale, this advance refunding is an innovative way the federal government can help cities and towns provide vital infrastructure and services for Oregonians. I ask all my colleagues to join Senator CORZINE and me in sponsoring this important legislation that will help municipalities across this Nation.

I ask unanimous consent to have this legislation printed in the RECORD.

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

S. 271

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Municipal Debt Refinancing Act".

**SEC. 2. ADDITIONAL ADVANCE REFUNDINGS OF CERTAIN GOVERNMENTAL BONDS.**

(a) IN GENERAL.—Section 149(d)(3)(A)(i) of the Internal Revenue Code of 1986 (relating to advance refundings of other bonds) is amended—

(1) by striking "or" at the end of subclause (I),

(2) by adding "or" at the end of subclause (II), and

(3) by inserting after subclause (II) the following:

"(III) the 2nd advance refunding of the original bond if the original bond was issued after 1985 or the 3rd advance refunding of the original bond if the original bond was issued before 1986, if, in either case, the refunding bond is issued before the date which is 2 years after the date of the enactment of this subclause and the original bond was issued as part of an issue 90 percent or more of the net proceeds of which were used to finance governmental facilities used for 1 or more essential governmental functions (within the meaning of section 141(c)(2))."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunding bonds issued on or after the date of the enactment of this Act.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. BAYH, Mr. HATCH, Ms. LANDRIEU, Mr. SMITH, Mr. NELSON of Florida, Mr. TALENT, Mr. LUGAR, Mr. FRIST, and Mr. MILLER):

S. 272. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I want to express support on behalf of The Charity Aid, Recovery and Empowerment, CARE, Act of 2003, which I am introducing today with Senator LIEBERMAN, Finance Committee Chairman GRASSLEY, Senator BAYH, Majority Leader FRIST and other bipartisan cosponsors with the support of President Bush. The CARE Act was introduced in the last Congress and was considered by the Senate Finance Committee but was never debated on the floor of the Senate because of repeated objections to unanimous consent re-

quests to bring up the bill. The time has come to move this important resources package forward to help those in need and to assist those charitable organizations walking alongside them to restore families and communities.

The CARE Act reflects America's renewed spirit of unity, community and responsibility in the wake of the September 11 terrorist attacks and the new challenges that have faced us since then. It is an important legislative package to encourage giving, saving, and fairness which builds on the President's Faith-Based and Community Initiative. This bipartisan consensus bill seeks to harness the potential of charitable organizations in order to better serve the most needy members of our society in partnership with government efforts. A coalition of more than 1,600 national and grassroots charitable organizations helping those in need endorsed nearly similar legislation last year. The bill offers incentives to individuals and corporations to increase charitable giving, rewards low-income citizens who choose to save, and insists on fairness for faith-based organizations by leveling the playing field so that non-governmental organizations involved in charitable activities may compete for government funds to provide social service delivery.

Throughout our country many social entrepreneurs and community healers are making a difference in the lives of those who are struggling and in the neighborhoods and communities seeking to revive themselves in the face of poverty, crime, failing schools, and unemployment. Many of these heroic individuals and organizations are also motivated by faith. For example, more than 75 percent of the food banks across our Nation have a religious affiliation.

The CARE Act attempts to help with the current challenges that charitable organizations are facing and expand the base of private and governmental resources well into the future to better help those in need such as the hungry, the homeless, the addicted, the sick, at-risk children, and the elderly through a variety of tools and resources. The tremendous outpouring of generosity by Americans after September 11 is to be celebrated. Yet the reality is that many needs remain unmet throughout the country as some charitable giving has been redirected and other human needs have increased. Unfortunately, as a result of the tragic events of September 11, a struggling stock market, and the recent recession, numerous charitable organizations have suffered financial losses, in some cases, up to 20 percent or more. The bill seeks to expand the capacity of the voluntary and charitable sectors in this country which is one of the greatest strengths and traditions of our country.

The CARE Act seeks to address these needs through a number of expanded tax incentives. The bill restores a charitable tax deduction for the 84 million

Americans who do not itemize for a maximum deduction of up to \$250 for individual taxpayers and \$500 for couples for charitable giving beyond a base level of \$250 for individuals and \$500 couples. To encourage larger donations, IRA holders will also be allowed to make charitable contributions without tax penalties. Corporations and farmers will be offered tax deductions for their donations of food to charity, amounting to \$1 billion dollars over 10 years in order to provide more food to the needy rather than letting it go to waste. A deduction is also provided for contributions of books to schools.

The CARE Act also attempts to narrow the gap between the rich and the poor. Through Individual Development Accounts, IDAs, low-income Americans are encouraged to save and build assets and provided training in financial education. These special savings accounts offer matching contributions from the sponsoring bank or community organization reimbursed through a Federal tax credit, on the condition that the proceeds go to buying a home, starting a business or paying for post-secondary education. Low-income Americans are now being given the possibility of sharing in the American dream. The provision would provide for a phased-in 300,000 savings accounts for a national demonstration.

The CARE Act helps small faith and community-based organizations. Through the Compassion Capital Fund, it provides these community healers with additional resources for technical assistance such as enabling incorporation, grant writing and accounting skills. It also allows social service agencies with experience in administering government contracts to play an intermediate role between government agencies and smaller charities. These provisions will help smaller faith-based charities to survive and to grow into viable charitable organizations. The legislation also expands resources through significant increases in the Social Services Block Grant, SSBG, funds of more than \$1.2 billion.

Despite the positive advantages of the CARE Act, some are wary of the impact of its provisions. Some critics on the left argue that the provisions violate the Constitution by fusing church and state because preferential treatment is given to religious groups. This is false. Instead, the CARE Act gives religious charitable organizations the opportunity to compete with secular organizations for Federal funding by strengthening the principle of non-discrimination against faith-based organizations through the codification of basic and commonsense equal treatment protections. The proposed legislation creates a more level playing field for faith-based charities by ensuring that they cannot be discriminated against in applying for government funds because of their religious nature by ensuring the right to maintain religious icons, religious names, religious governance criteria, and religious ref-

erences in founding documents. The provision also makes clear that the mere fact that a faith-based provider has not previously received government funding does not disqualify them from consideration.

On the other hand, some critics on the right argue that the CARE Act will undermine the religious nature of faith-based organizations by restricting their abilities to promote religious values and by controlling the hiring process. But the moral integrity of faith-based organizations is protected by the Act. Though the question of hiring is not addressed in the bill, current laws will continue to apply, the equal treatment for non-governmental organizations provision in the bill assures that organizations which seek federal funds are not required to remove religious symbols, change their names, or change their governing structures to qualify. Hence, faith-based organizations can still adhere to the values and beliefs that motivate, make them unique, and reflect the diversity of America as they serve those in need. The initiative does not require faith-based organizations to participate with government funds in their efforts to serve those in need, it merely gives them the option if they feel that doing so is consistent with their mission and prevents the government for excluding qualified social services providers merely because they are faith-based in character.

The CARE Act is supported by both Democrats and Republicans. The time has come to get this legislation on the President's desk as he has repeatedly called for. The Senate Majority Leader, TOM DASCHLE, wrote shortly after the bill's introduction last year that "the CARE Act is not a Republican or Democratic plan. It is a bipartisan proposal that strikes the right balance between harnessing the best forces of faith in our public life without infringing on the First Amendment. . . I look forward to working with President Bush and my congressional colleagues to get this proposal signed into law."

The time has come for the Senate to pass this important legislation. The Senate Finance Committee will take an important step next week when the legislation is considered in committee. The CARE Act advances our common interest in turning the immense spirit of volunteerism and civic duty in our country toward building strong communities. The Act's ultimate goal is to help those most in need in our society, the poor, the hopeless and the destitute. I thank my colleagues for their support and the many generous Americans working to transform lives and improve communities for the difference that they make each day.

## STATEMENTS ON SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 35

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2003 through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department of agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$2,979,871 of which amount (1) not to exceed \$11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$496 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$5,244,760 of which amount (1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$2,235,697 of which amount (1) not to exceed \$8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$354 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee,

except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

#### SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 36

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$2,724,301.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$4,795,783.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$2,044,614.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the

Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

#### SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 37

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004, and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$3,227,950, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$5,681,955, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$2,422,263, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee

(under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2004, and February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, October 1, 2003, through September 30, 2004, and October 1, 2004, through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

#### SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. CRAIG submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 38

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$1,347,927, of which amount (1) not to exceed \$117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$2,372,258, of which amount (1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$1,011,165, of which amount (1) not to exceed \$85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

#### SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

##### S. RES. 39

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or

non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$4,236,427, of which amount (1) not to exceed \$32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$7,457,494, of which amount (1) not to exceed \$32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$3,179,327, of which amount (1) not to exceed \$32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2004 and February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

#### SENATE RESOLUTION 40—RE-AFFIRMING CONGRESSIONAL COMMITMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND ITS CRITICAL ROLE IN GUARANTEEING EQUAL EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS, PARTICULARLY WITH RESPECT TO SCHOOL ATHLETICS

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

##### S. RES. 40

Whereas in 1972, Congress enacted title IX of the Education Amendments of 1972 (referred to in this resolution as "title IX"), the Federal statute prohibiting sex discrimination in education;

Whereas title IX prohibits discrimination based on sex in 11 areas of education, including admissions, financial aid, academic programs, student services, classroom assignments, vocational education, and athletics;

Whereas since the passage of title IX, opportunities for women and girls in organized sports have dramatically increased;

Whereas the number of female college athletes has increased nearly 5-fold from fewer than 32,000 prior to enactment of title IX to over 150,000 since enactment of title IX;

Whereas women currently constitute more than 40 percent of all college athletes, compared with 15 percent in 1972;

Whereas female athletes have higher graduation rates than female nonathletes;

Whereas a 2002 nationwide survey found that 82 percent of women business executives played organized sports after grammar school, including sports on school, intramural, or recreational teams;

Whereas there has been a marked increase in the number of female professional sports and athletes since enactment of title IX;

Whereas at the high school level, almost 3,000,000 girls are playing competitive sports today, while fewer than 300,000 girls played competitive sports prior to the enactment of title IX;

Whereas today girls are entering high schools sports at almost twice the rate of boys, as evidenced by the fact that there were 108,208 new female high school athletes in 2000–2001 versus 59,230 new male athletes in that year;

Whereas girls' participation in organized sports provides opportunities for leadership, teamwork, and competition, contributes to positive body image and good health, and offers critical personal contact with adult role models;

Whereas girls who participate in sports are less likely to take drugs, drink alcohol, smoke, or become pregnant than their non-participating peers;

Whereas female athletes often serve as role models both at school and within their communities;

Whereas while the past successes of title IX are impressive, girls and women still need the full protections of the Federal law;

Whereas in schools that participate in Division I of the National Collegiate Athletic Association (referred to in this resolution as "Division I schools"), women represent 53 percent of the student body, but they receive only 43 percent of the total athletic scholarship dollars, 32 percent of the recruiting dollars, and 36 percent of the operating budget dollars;

Whereas in 2000, at Division I schools, for every \$1 being spent on women's sports, almost \$2 was being spent on men's sports;



Whereas from 1992 to 1997, men's athletic operating budgets increased by 139 percent while women's athletic operating budgets increased by only 89 percent;

Whereas compliance with title IX does not require schools to eliminate men's sports teams, nor does title IX impose strict quotas; and

Whereas all the Federal courts of appeals that have considered the constitutionality of title IX have upheld the regulations and requirements issued under title IX: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its commitment—

(A) to ending all discrimination against women and girls in elementary, secondary, and higher education; and

(B) to equal opportunities for women and girls in athletics;

(2) recognizes the continued importance of title IX in providing needed protections for women and girls;

(3) expresses its concern that rolling back title IX regulations and compliance requirements may jeopardize the extraordinary progress of women and girls athletes; and

(4) requests that the President maintain the integrity of title IX by rejecting any attempts to weaken current regulations and interpretations.

Mr. BIDEN. Mr. President, this afternoon the President's Commission on Opportunity in Athletics recommended changes to Title IX. While the changes they proposed are not as sweeping as feared, by a tie vote they included in their report a provision that could weaken current compliance requirements for women and girls in sports. While I commend the Commission for rejecting some of the more radical changes considered, I would implore President Bush and Secretary Paige to reject the notion of making any changes that diminish the protections of Title IX, including the so called "50-50" compliance provision.

As you know Title IX has had an enormous influence on all aspects of education, but particularly in the realm of women's and girls' sports. Since enactment the number of female college athletes has increased nearly five fold from fewer than 32,000 prior to enactment to over 150,000 today. At the high school level almost 3 million girls are playing competitive sports today compared to fewer than 300,000 prior to passage. But this isn't just about the numbers. Girls who participate in sports are less likely to take drugs, drink alcohol, smoke or become pregnant than their non-participating peers. They are also more likely to graduate. Through their participation in sports, women and girls are provided opportunities for leadership, teamwork and competition, gain a more positive body image, and are accorded contact with adult role models in their communities. And yet, even with gains and achievements, more needs to be done.

In Division I schools women represent 53 percent of the student body, but receive only 43 percent of the total athlete scholarship dollars, 32 percent of the recruiting dollars and 36 percent of the operational budgets. And for every dollar at a Division I school spent on women's sports, almost two dollars are spent on men's sports.

We've come a long way, but we should not turn the clock back now. I

submit today a resolution that not only recognizes the importance of Title IX and a continued need for Title IX protections, but also calls on the Administration to reject any changes weakening current regulations and interpretations of this very important law.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 9:30 a.m., in open session to consider the nominations of the Honorable Paul McHale to be Assistant Secretary of Defense for homeland defense and Mr. Christopher Ryan Henry to be Deputy under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 10 a.m. to conduct an Executive Session for the purpose of approving the committee budget and the committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, January 30, 2003, at 9:30 a.m. on pending committee business. Then, immediately following, a full committee hearing on Media Ownership: Radio.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, January 30, 2003, at 10:00 a.m., to hear testimony on U.S. Borders: Safe or Sieve?

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session of the Senate on Thursday, January 30, 2003, at a time to be determined, to Report out the Nomination of John W. Snow to be Secretary of the United States Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on 30, January 2003, at 10:00 a.m., to hold a hearing on The January 27 UNMOVIC and IAEA Reports to the UN Security Council on Inspections in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Smallpox Vaccination Plan: Challenges and Next Steps during the session of the Senate on Thursday, January 30, 2003, at 10:00 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, January 30, 2003 at 9:30 a.m. in Dirksen Room 226.

##### TENTATIVE AGENDA

I. Nominations: Miguel Estrada to be a U.S. Circuit Court Judge for the D.C. circuit.

II. Bills: S. 151, PROTECT Act [Hatch/Leahy]; S. 153, Identity Theft Penalty Enhancement Act [Feinstein/Kyl/Grassley/Sessions]; S. 205, Iraqi Scientists Immigration Act of 2003 [Biden/Lugar/Specter/Hatch/Leahy].

III. Committee Resolution Honoring Beryl Howell.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, January 30, 2003 from 2:30 p.m.-3:00 p.m. in Dirksen 430 for the purpose of conducting an organizational meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Nos. 20, 24, 25, 26, 27, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

##### DEPARTMENT OF THE TREASURY

John W. Snow, of Virginia, to be Secretary of the Treasury.

## AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. William J. Lutz, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Jarris J. Sanborn, 0000

## ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas F. Metz, 0000

## NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Albert T. Church, III, 0000

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

## AIR FORCE

PN176 Air Force nominations (21) beginning FRANK W. \* ALLARA, JR., and ending GLYNIS D. \* WALLACE, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN177 Air Force nominations (39) beginning NANCY M. ACAMPADO, and ending JAMES H. YAO, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN178 Air Force nominations (123) beginning GREGORY A. \* ABRAHAMIAN, and ending GREGORY B. \* YORK, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN179 Air Force nominations (337) beginning SAMEH G. ABUERREISH, and ending MICHELLE K. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN180 Air Force nominations (53) beginning JAMES L. \* AGLER, JR., and ending BEVERLY A. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN183 Air Force nominations (61) beginning LAURA S. \* BARCHICK, and ending DONALD E. \* WITMYER, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN184 Air Force nominations (62) beginning WAYNE H. ALBRIGHT, and ending MICHAEL J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 13, 2003

PN201 Air Force nomination of Richard L. Sargent, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN202 Air Force nomination of Richard L. Neel, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN203 Air Force nomination of Joel C. Carlson, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN204 Air Force nomination of Scott C. Paul, which was received by the Senate and

appeared in the Congressional Record of January 15, 2003

PN205 Air Force nomination of Steven E. Ritter, which was received by the Senate and appeared in the Congressional Record of January 15, 2003

PN206 Air Force nominations (2) beginning MICHAEL L. A. HOLLAND, and ending PARIMAL R. \* PATEL, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN157 Air Force nomination of Anthony E. Musella, Jr., which was received by the Senate and appeared in the Congressional Record of January 9, 2003

PN158 Air Force nomination of Steven B. Wallis, which was received by the Senate and appeared in the Congressional Record of January 9, 2003

PN159 Air Force nominations (4) beginning SARA M. DEVINE, and ending MICHAEL H. QUINN, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN160 Air Force nominations (4) beginning JAMES F. BARBER, and ending DONALD G. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN161 Air Force nominations (2) beginning JOSEPH M. KOROLUK, and ending RICKY J. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN162 Air Force nominations (8) beginning PATRICK W. BEHAN, and ending JAMIE L. SAIVES, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN163 Air Force nominations (6) beginning HOSSAM E. AHMED, and ending BRETT W. PERKINS, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN164 Air Force nominations (13) beginning ROBERT A. BAZYLAK, and ending MARK S. SMYCZYNSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN165 Air Force nominations (23) beginning DEBORAH L. ASPLING, and ending CANDACE W. WOODHAM, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN166 Air Force nominations (156) beginning ANDREW A. AKELMAN, and ending STEVEN ZEBICH, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN167 Air Force nominations (10) beginning MICHAEL L. BELL, and ending GLENN L. SPITZER, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN168 Air Force nominations (35) beginning ROOSEVELT ALLEN, JR., and ending ARJEN L. VANDEVOORDE, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN169 Air Force nominations (83) beginning PETER A. BAUER, and ending CHRISTOPHER M. ZAHN, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN170 Air Force nomination of RONALD D. HARRIS, which was received by the Senate and appeared in the Congressional Record of January 9, 2003

PN224 Air Force nomination of DAVID G. YOUNG, III, which was received by the Senate and appeared in the Congressional Record of January 16, 2003

PN225 Air Force nominations (2) beginning EDWARD D. PETERSON, and ending WILLIAM M. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN226 Air Force nominations (2) beginning BENEDICT N. ANTONECCHIA, and ending THOMAS S. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN227 Air Force nominations (2) beginning BRITTA A. ANDERSON, and ending DEBORAH C. MESSEAR, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN228 Air Force nominations (7) beginning LEWIS A. BRANDES, and ending CHARLES A. WALDEN, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN230 Air Force nominations (17) beginning WALTER S. \*ADAMS, and ending GEORGE T. \*YOUSTRA, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN231 Air Force nominations (51) beginning MICHAEL ALUKER, and ending SCOTT A. ZAKALUZYNY, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN251 Air Force nomination of Margaret C. Gram, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN252 Air Force nomination of James V. English, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN253 Air Force nominations (6) beginning JAMES C. BALSERAK, and ending MARTIN E. SELLEBERG, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2003

PN254 Air Force nomination of Timothy H. Lewis, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

PN255 Air Force nomination of Howard S. Loller, which was received by the Senate and appeared in the Congressional Record of January 21, 2003

## ARMY

PN207 Army nominations (28) beginning SALLYE J. ALLGOOD, and ending YVONNE L. TUCKERHARRIS, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN209 Army nominations (6) beginning LEONARD I. CANCIO, and ending KATHLEEN S. ZURAWEL, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN212 Army nominations (6) beginning KATHLEEN W. CARR, and ending ROBERT G. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN213 Army nominations (3) beginning KENNETH T. GAREAU, and ending PAOLA M. OFLAHERTY, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN214 Army nominations (2) beginning OLIN O. OEDEKOVEN, and ending MATTHEW D. URBANEK, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003

PN171 Army nominations (20) beginning WILLIAM T. BARTO, and ending BRADLEY P. STAI, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2003

PN232 Army nominations (23) beginning PAUL A. BAKER, and ending FRANK E. ZIEMKIEWICZ, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN233 Army nominations (35) beginning MICHAEL P. BOEHMAN, and ending SCOTT F. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003

PN234 Army nominations (55) beginning WHITE A\* BAXTER, and ending JENNIFER S\* ZUCKER, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN256 Army nomination of John F. Neptune, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN257 Army nomination of Charles E. Swallow, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN258 Army nomination of Wayne C. Hollenbaugh, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN259 Army nomination of Joseph T. Hughes, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN260 Army nomination of Gregory T. Bramblett, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

PN261 Army nomination of Allen C. Whitford, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

#### MARINE CORPS

PN215 Marine Corps nomination of John A. Manning, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN216 Marine Corps nomination of Michael E. Rodgers, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN217 Marine Corps nomination of Samuel S. Scialabba, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN218 Marine Corps nominations (200) beginning DANIEL W. ALEXANDER, and ending JAN-HENDRICK C. ZURLIPPE, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN235 Marine Corps nomination of Larry A. Dickey, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN236 Marine Corps nominations (651) beginning HARALD AAGAARD, and ending ROBERT C ZYLA, which nominations were received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN241 Marine Corps nomination of Daniel P. Hudson, which was received by the Senate and appeared in the Congressional Record of January 21, 2003.

#### NAVY

PN219 Navy nominations (4) beginning FREDERICK J. ADAMS, III, and ending ANDREA G. NASHOLD, which nominations were received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN220 Navy nomination of Ian G. McLeod, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN221 Navy nomination of Michael S. Moeller, which was received by the Senate and appeared in the Congressional Record of January 15, 2003.

PN237 Navy nomination of Eric W. Herbert, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN238 Navy nomination of Jay R. Frohne, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN239 Navy nomination of Adrian D. Talbot, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

PN240 Navy nomination of Evangeline D. Smith, which was received by the Senate and appeared in the Congressional Record of January 16, 2003.

#### NOMINATION OF JOHN SNOW

Mr. GRASSLEY. Mr. President, this morning the Senate Finance Committee completed our first piece of business for the 108th Congress. The business before the committee today was the nomination of John Snow to be Treasury Secretary. It is the matter that we should process as a full body today. The Treasury Secretary is, after the Vice President, perhaps the most important position in the President's Cabinet.

As I said at the nomination hearing 2 days ago, the Finance Committee has a bipartisan tradition of acting expeditiously on this nomination. The reason is the importance of this nomination in the Nation's economic policymaking. The evidence of this tradition can be gleaned from committee records. Let's take a look at the recent history. For the period covering the first Bush administration, the Clinton administration, and this Bush administration, this committee has kept the position of Treasury Secretary filled in a virtually seamless manner.

Let me emphasize that. For this first time in recent history, we have a significant vacancy in the Treasury Department. There has now been a gap in service. That gap needs to be closed. As long as that vacancy remains, our markets wonder, our global trading partners speculate, and the President is denied his principal economic policymaker.

All Finance Committee Democrats and Republicans, past and present, should be proud of our record in recent history. It should surprise no one that the committee has taken this responsibility seriously. Whether we have divided government, or if one party controls the Congress and the administration, it does not matter. Much of the committee's policy is tied to the Treasury Department. It is a relationship that has a history of seriousness, productivity, and gravity. We all have an interest in filling this important position.

I thank my ranking member and friend, Senator BAUCUS, for his assistance. I also thank my Finance Committee colleagues for their cooperation.

Fortunately, over the same almost 15-year period, the full Senate has reflected the Finance Committee's seriousness on this important nomination. Again, over that period, under divided government or one party control, we as 100 Senators, have not permitted a significant vacancy to occur in this critical position. Some of my colleagues will recall Secretary O'Neill's nomination. Senator HELMS, who some on the other side called "Senator No," had an issue important in his State regarding the Africa free trade bill. Senator HELMS recognized the critical nature of the Treasury Secretary's position and

allowed the nomination to move forward expeditiously.

Why does this office matter so much? Well, let's take a look at the job description on the Treasury Web site. I quote:

The Secretary of the Treasury is responsible for formulating and recommending domestic and international financial, economic, and tax policy, participating in the formulation of broad fiscal policies that have general significance for the economy and managing the public debt. The Treasury Secretary oversees the activities of the Treasury Department in carrying out his major law enforcement responsibilities; in serving as the financial agent of the U.S. Government; and in manufacturing coins and currency.

The chief financial officer of the Government, the Secretary of the Treasury serves on the President's National Economic Council. He is also Chairman of the Boards and Managing Trustee of the Social Security and Medicare Trust Funds, Chairman of the Thrift Depositor Protection Oversight Board, and serves as U.S. Governor of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.

So, Mr. President, who has an interest in filling the gap I referred to earlier? The answer is: (i) any American with an interest in economic growth, (ii) any American senior receiving Social Security or Medicare, (iii) any holders of thrift deposits, (iv) any investor holding a Treasury bond and (v) any worker or management person with an international business. That is just for starters.

This is not just any Cabinet position. The Treasury Department is the oldest Department and it is no accident that the Treasury Department is next door to the White House. These important responsibilities are the reason the Senate has not dilly-dallied on this nomination. I thank my colleagues for their cooperation in the confirmation of John Snow as Treasury Secretary.

Mr. BAUCUS. Mr. President, earlier today the Finance Committee approved the nomination of John Snow as the next Secretary of the Treasury. I thank my colleagues for this support of the confirmation of Mr. Snow.

The confirmation process is never easy. Nor should it be, as it is part of the constitutional advice and consent function to review of the nominee's experience, qualifications and suitability to serve in the position to which he or she has been nominated.

The Senate Finance Committee asked Mr. Snow hundreds of questions over a period of weeks. We sought his views on tax policy, prescription drugs, and budget deficits. We asked about matters involving corporate governance and executive compensation. He has responded to all of our questions.

The American people are anxious about the flagging economy and the prospect of war. With the future uncertain, it is important for our country to have a Treasury Secretary in place to help tackle the difficult challenges

ahead. The President has selected a man who is well qualified.

I remain concerned about how we handle the upcoming debates about the budget, taxes and healthcare. We need to get to work. But we need to work together, in a bipartisan fashion, to address these important issues. I am committed to working with the administration to try to find common ground. The new Secretary shares this commitment. I look forward to working with him.

Mr. ALLEN. Mr. President, I rise today in support of John Snow, a proven leader with a reputation of a winner, and President Bush's nominee for U.S. Treasury Secretary.

John Snow is someone I know well and a proud resident of the Commonwealth of Virginia. In nominating John Snow, President Bush has brilliantly chosen the best person in America for the vital position of Secretary of the Treasury. There are few Americans with the knowledge of diverse U.S. and international economies—manufacturing, mining, automobile, electric, agriculture—trade, transportation modes—rail, ports, barges—and hands-on track record of creating jobs that John has developed over the last three decades. John Snow is a man of positive action and the right person to help President Bush create greater job opportunities for all Americans. He will be a respected and articulate leader for the principles of trusting people and free enterprise to do what they do best—create new and better jobs.

His prior service in Federal Government helps him as well. John Snow understands how government operates and how government can help or hinder job growth.

I have known John and Carolyn Snow for many years, and have relied on John's insight, experience and wisdom often over those years. While I served as Governor of Virginia, John gave extensively of his time to help us shape a plan that successfully revived Virginia's economy and resulted in the creation of a record number of new jobs. He continues to be a trusted adviser on economic and transportation issues.

When John came to Richmond in the early 1980s, the city was still suffering the lingering consequences of the past, and a very contentious period in the 1970s. Richmond had just elected its first African-American mayor. During this time, John stepped forward to help bridge the gap between the past and the future. He was a founding member of Richmond Renaissance, an organization dedicated to promoting racial equality in downtown Richmond. He was appointed by the new mayor to the city of Richmond school board. He became a member of the board of Virginia Union, a historically black college in Richmond.

He is a Renaissance man—educated in law and economics at the University of Virginia, government and business, and a professor. A Renaissance man

who can convincingly and reasonably articulate the need for positive action.

John Snow has been successful in business because he knows that a growing economy is one that enables every working man and woman to have an opportunity to benefit from their hard work, their creativity and their ingenuity.

With his confirmation, all of America will soon come to trust and rely on John Snow's considerable knowledge and experience as I and so many grateful Virginians have over the years.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I further ask unanimous consent that at 10 a.m. on Tuesday, February 4, the Senate proceed to executive session for the consideration of Calendar No. 21, the nomination of Miguel Estrada to the U.S. Circuit Court for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 2, H.R. 16.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES

Mr. FRIST. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 101, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 101) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise to address the serious matter of pay inequity in the Federal judiciary.

As things stand now, nearly every Federal employee will receive a cost of living adjustment during 2003—every employee, that is, except Federal judges. This is because of a legislative prescription that requires Congress to authorize raises in the salaries of Federal judges. Although this COLA of roughly 3 percent may seem small and inconsequential, it makes a significant difference in light of the fact that Federal judges earn far less than many, if not most, of their counterparts in the private sector.

In his 2002 year-end report, Supreme Court Chief Justice William Rehnquist highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, "Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector." The Chief Justice lamented, "Unless the 108th Congress acts, judges will not even receive the cost-of-living adjustment that nearly every other Federal employee will receive during 2003." He concluded by urging Congress and the President to "take up this issue early in the new year."

Today, Mr. President, the Senate is passing a bill that will allow Federal judges to receive the COLA that other Federal employees are already slated to receive this year. Although the larger issue of minimizing the gap between Federal judicial salaries and private sector salaries still remains, this small step will resolve the salary inequity between Federal judges and other Federal employees. I thank my colleagues for joining Senator LEAHY and me in supporting this bipartisan measure.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing both the Senate and House versions of legislation to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

Here in the Senate, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation to authorize an increase in the salaries of Justices and judges of the United States for the present fiscal year. House Judiciary Chairman SENBRENNER was joined by that committee's ranking Democratic member, Congressman CONYERS, and others to introduce identical legislation.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce,

Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I am disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment COLA for fiscal year 2003.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. During the 21 years of Section 140's existence, Congress has always accorded to the Federal judiciary co-equal respect by suspending Section 140 whenever Congress has granted to itself and other Federal employees a COLA. With the end of the last Congress, however, the continuing resolutions providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless other action is taken.

The bipartisan and bicameral legislation before us provides for a COLA for Federal judges consistent with the law and with fairness.

Over the past year and one half as Judiciary Committee Chairman, I have been honored to lead the Committee in holding hearings on 103 of President Bush's judicial nominees, some of whom proved to be quite controversial and divisive. Last year the Committee voted on 102 nominees and reported 100 out of Committee favorably. The full Democratic-led Senate took the final step of confirming 100 judges in just 17 months. This remarkable record compares most favorably to the 38 judicial confirmations averaged per year during the 6½ years when the Republicans previously controlled the Senate. In addition, the 21st Century Department of Justice Appropriations Authorization Act we passed last Congress created or extended 20 Federal judgeships, more than were created during the 6½ years that the Republican party controlled the Senate. In his end of the year report, the Chief Justice of the United States noted these accomplishments and thanked the Senate for its actions. I appreciate his kind words.

I look forward to Senate passage of the House and Senate bills to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003. I hope the President will promptly sign our legislation into law.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 101) was read the third time and passed, as follows:

S. 101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.**

Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

**APPOINTMENTS**

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 108th Congress.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe during the 108th Congress:

The Senator from Connecticut (Mr. DODD; the Senator from Florida, Mr. GRAHAM; the Senator from Wisconsin, Mr. FEINGOLD; and the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to provisions of Public Law 107-202, announces the appointment of the following individuals as members of the Benjamin Franklin Tercentenary Commission: the Senator from Pennsylvania, Mr. SPECTER, and Dr. Dennis Wint of Pennsylvania.

The PRESIDING OFFICER. The Chair on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Montana, Mr. BAUCUS; the Senator from Michigan, Mr. LEVIN; the Senator from California, Mrs. FEINSTEIN; and the Senator from North Dakota, Mr. DORGAN.

**READING OF WASHINGTON'S  
FAREWELL ADDRESS**

Mr. FRIST. Mr. President, I ask unanimous consent, notwithstanding the resolution of the Senate of January 24, 1901, that on Monday, February 24, 2003, immediately following the prayer, the Pledge of Allegiance to the Flag, and the disposition of the Journal, the traditional reading of the Washington's Farewell Address take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR MONDAY, FEBRUARY  
3 AND TUESDAY, FEBRUARY 4, 2003**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in adjournment until 10 a.m. Monday, February 3, for a pro forma session only. I further ask consent that immediately following the convening on Monday, the Senate then stand in adjournment until 9:30 a.m. on Tuesday, February 4. I further ask consent that on Tuesday, following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, that the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. FRIST. Mr. President, for the information of Senators, the Senate will reconvene for a pro forma session on Monday. No business will be conducted during Monday's session. The Senate will then resume business on Tuesday and begin consideration of the Estrada nomination. I understand that some debate will be necessary on that judicial nomination.

It is my hope that Members will be prepared to come to the floor and make their presentations. I expect a full debate and it is my hope, and the chairman's hope, to reach a reasonable time agreement on that nomination so that we can schedule the vote accordingly. Having said that, rollcall votes are possible during Tuesday's session.

**ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 3, 2003, AT 10 A.M.**

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:47 p.m., adjourned until Monday, February 3, 2003, at 10 a.m.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate January 30, 2003:

**DEPARTMENT OF THE TREASURY**

JOHN W. SNOW, OF VIRGINIA, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

**DEPARTMENT OF HOMELAND SECURITY**

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY.

**IN THE AIR FORCE**

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WILLIAM J. LUTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JARISSE J. SANBORN

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS F. METZ

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. ALBERT T. CHURCH III

AIR FORCE NOMINATION OF ANTHONY E. MUSELLA, JR. AIR FORCE NOMINATION OF STEVEN B. WALLIS.

AIR FORCE NOMINATIONS BEGINNING SARA M. DEVINE AND ENDING MICHAEL H. QUINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES F. BARBER AND ENDING DONALD G. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING JOSEPH M. KOROLUK AND ENDING RICKY J. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PATRICK W. BEHAN AND ENDING JAMIE L. SAIVES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING HOSSAM E. AHMED AND ENDING BRETT W. PERKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROBERT A. BAZYLAK AND ENDING MARK S. SMYCZYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING DEBORAH L. ASPLING AND ENDING CANDACE W. WOODHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ANDREW A. AKELMAN AND ENDING STEVEN ZEBICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. BELL AND ENDING GLENN L. SPITZER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING ROOSEVELT ALLEN, JR., AND ENDING ARJEN L. VANDEVOORDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATIONS BEGINNING PETER A. BAUER AND ENDING CHRISTOPHER M. ZAHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

AIR FORCE NOMINATION OF RONALD D. HARRIS.

AIR FORCE NOMINATIONS BEGINNING FRANK W. ALLARA, JR.\* AND ENDING GLYNIS D. WALLACE\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING NANCY M. ACAMPADO AND ENDING JAMES H. YAO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING GREGORY A. ABRAHAMIAN\* AND ENDING GREGORY B. YORK\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING SAMEH G. ABUERREISH AND ENDING MICHELLE K. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING JAMES L. AGLER, JR.\* AND ENDING BEVERLY A. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING LAURA S. BARCHICK\* AND ENDING DONALD E. WITMYER\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATIONS BEGINNING WAYNE H. ALBRIGHT AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 13, 2003.

AIR FORCE NOMINATION OF RICHARD L. SARGENT. AIR FORCE NOMINATION OF RICHARD L. NEEL.

AIR FORCE NOMINATION OF JOEL C. CARLSON.

AIR FORCE NOMINATION OF SCOTT C. PAUL.

AIR FORCE NOMINATION OF STEVEN E. RITTER.

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. A. HOLLAND AND ENDING PARIMAL R. PATEL\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

AIR FORCE NOMINATION OF DAVID G. YOUNG III.

AIR FORCE NOMINATIONS BEGINNING EDWARD D. PETERSON AND ENDING WILLIAM M. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BENEDICT N. ANTONECCHIA AND ENDING THOMAS S. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING BRITTA A. ANDERSON AND ENDING DEBORAH C. MESSECAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING LEWIS A. BRANDES AND ENDING CHARLES A. WALDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING WALTER S. ADAMS\* AND ENDING GEORGE T. YOSTRA\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATIONS BEGINNING MICHAEL ALUKER AND ENDING SCOTT A. ZAKALUZNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

AIR FORCE NOMINATION OF MARGARET C. GRAM.

AIR FORCE NOMINATION OF JAMES V. ENGLISH.

AIR FORCE NOMINATIONS BEGINNING JAMES C. BALSERAK AND ENDING MARTIN E. SELLBERG, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2003.

AIR FORCE NOMINATION OF TIMOTHY H. LEWIS. AIR FORCE NOMINATION OF HOWARD S. LOLLER.

ARMY NOMINATIONS BEGINNING WILLIAM T. BARTO AND ENDING BRADLEY P. STAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2003.

ARMY NOMINATIONS BEGINNING SALLYE J. ALLGOOD AND ENDING YVONNE L. TUCKERHARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING LEONARD I. CANCIO AND ENDING KATHLEEN S. ZURAWEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KATHLEEN W. CARR AND ENDING ROBERT G. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING KENNETH T. GAREAU AND ENDING PAOLA M. OFLAHERTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING OLIN O. OEDEKOVEN AND ENDING MATTHEW D. URBANEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

ARMY NOMINATIONS BEGINNING PAUL A. BAKER AND ENDING FRANK E. ZIEMKIEWICZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING MICHAEL P. BOEHMAN AND ENDING SCOTT F. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATIONS BEGINNING WHITE A. BAXTER\* AND ENDING JENNIFER S. ZUCKER\*, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

ARMY NOMINATION OF JOHN F. NEPTUNE.

ARMY NOMINATION OF CHARLES E. SWALLOW.

ARMY NOMINATION OF WAYNE C. HOLLENBAUGH.

ARMY NOMINATION OF JOSEPH T. HUGHES.

ARMY NOMINATION OF GREGORY T. BRAMBLETT.

ARMY NOMINATION OF ALLEN C. WHITFORD.

MARINE CORPS NOMINATION OF JOHN A. MANNING.

MARINE CORPS NOMINATION OF MICHAEL E. RODGERS.

MARINE CORPS NOMINATION OF SAMUEL S. SCIALABBA.

MARINE CORPS NOMINATIONS BEGINNING DANIEL W. ALEXANDER AND ENDING JAN-HENDRIK C. ZURLIPPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

MARINE CORPS NOMINATION OF LARRY A. DICKEY.

MARINE CORPS NOMINATIONS BEGINNING HARALD AAGAARD AND ENDING ROBERT C. ZYLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 16, 2003.

MARINE CORPS NOMINATION OF DANIEL P. HUDSON.

NAVY NOMINATIONS BEGINNING FREDERICK J. ADAMS

III AND ENDING ANDREA G. NASHOLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED

IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

NAVY NOMINATION OF IAN G. MCLEOD.

NAVY NOMINATION OF MICHAEL S. MOELLER.

NAVY NOMINATION OF ERIC W. HERBERT.

NAVY NOMINATION OF JAY R. FROHNE.

NAVY NOMINATION OF ADRIAN D. TALBOT.

NAVY NOMINATION OF EVANGELINE D. SMITH.