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Senate

The Senate met at 12:02 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. We will be led in prayer today by the guest Chaplain, the Very Reverend Nathan D. Baxter, Dean of the Washington National Cathedral.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Blessed Lord, I commend to Your grace and wisdom this day the Members of this Senate and all who support their labors. I ask that You deepen their passion for the fragile treasure of democracy. As they engage the difficult work of legislating, grant them always to be guided by a love for our great Nation and a respect for its diverse people. Finally, we ask that You grant that the fruits of their labors in this and every session, begun and ended in You, may assist the people of this great land to build lives of mutual respect, well-being and service, so that poverty of body and mind and spirit may be made extinct among us, even in our time. We offer these prayers in the Name of God from whom all blessings flow. Amen.

The PRESIDENT pro tempore. May I ask that the distinguished minority leader lead us in reciting the pledge to our flag.

PLEDGE OF ALLEGIANCE

The Honorable TOM DASCHLE, a Senator from the State of South Dakota, 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 MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today there will be a period of morning business until 4 p.m. At this time, I ask unanimous consent that the time be divided as follows:

The time until 1 o'clock under the control of the Democratic leader or his designee; the time from 1 to 1:30 under the control of the Republican leader or his designee; 1:30 to 2 o'clock under the control of the Democratic leader or his designee; 2 o'clock to 3 o'clock under Republican control.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. During today's session, the Senate is expected to complete the short-term continuing resolution which was received from the House. I am not aware of any requests for a rollcall vote on that resolution, and therefore we would hope to pass the 1-week extension by unanimous consent. In addition, there are a couple of nominations that are expected to receive committee action shortly. I would expect the full Senate to act on those nominations expeditiously following the committee's reporting of those nominations. This afternoon, we will alert all Members as to the expected schedule for any rollcall votes.

MORNING BUSINESS

MEASURES PLACED ON THE CALENDAR—S. 224, S. 225, AND S. 228

Mr. FRIST. Mr. President, there are three bills at the desk that are due for their second readings. I ask unanimous consent that the three bills now be read for the second time, and I ask unanimous consent that there be an objection, en bloc, to any further action on these bills following the readings.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

The clerk will now read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 224) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the minimum wage.

A bill (S. 225) to provide for emergency unemployment compensation.

A bill (S. 228) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

The PRESIDING OFFICER. Objection to further proceedings being heard, the bills will now be placed on the calendar.

Mr. FRIST. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

The distinguished minority leader.

STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, I wanted to come to the floor this morning to talk a little bit more about the State of the Union Message we heard last night from the President of the United States. We all had occasion to respond to members of the media last night, but I do think it is important, as we contemplate his message and as we react to it, that, at least to a certain extent, we do so in an official capacity here on the Senate floor.

The President came to Congress to deliver his annual State of the Union Message in fulfilling his constitutional obligation to report to Congress and the American people on where our Nation is and the direction in which we are headed.

The reason our Founders included that obligation is they recognized that democracy requires discussion. So I want to take a moment today to add my thoughts to that discussion.

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



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In many instances, the President's words were powerful, and there are many areas where I see room for enthusiastic agreement.

For example, his call, last night, for a renewed commitment to address the international pandemic on AIDS was welcome. I can say, without equivocation, that our caucus, and I believe Democrats in the Congress in its entirety, will be supportive of the efforts made by the President and this administration to address the international AIDS crisis more effectively.

Let me also say I was pleased that the President made the announcement he did with regard to the Federal commitment to alternative fuels.

I wish he had gone further, frankly, but a recognition of the importance of continuing the development through research of hydrogen fuels is a welcome bit of news. As we have progressed over the course of the last couple of years, the alternative fuels market, the need for the continued development of alternative fuels, is important to the Presiding Officer, to myself, and to many others who recognize that we will never rid ourselves of dependency upon foreign sources until we make a more complete commitment to the development of alternative fuels.

So the President's willingness to do that, his prioritization of that question, is one that was received in a very enthusiastic way, I am sure, on both sides of the aisle.

There are other areas, however, where the President's words seemed out of step with his actions and, frankly, out of touch with his proposals.

Today, and in the days ahead, the real test of the President's words is not whether they sound good but whether they lead to action and whether that action leads to progress.

Today, the triple threat of war, terrorism, and recession is combining to make Americans unsure about their future and unclear about the course our Nation is taking.

On the economy, it is almost impossible to believe, but just 2 years after the longest economic expansion in history, today we have more than 2 million jobs lost in 2 years; the worst job creation record of any administration in 60 years; the first back-to-back years of job loss in 50 years; middle-class income is down for the first time in 10 years; the highest unemployment rate in 8 years; the highest poverty rate in 8 years; and a Federal budget more than half a trillion dollars in debt.

In fact, as the budget is about to be produced for the coming fiscal year, we are told we will see the biggest indebtedness that we have seen now in more than 10 years. We started out 2 years ago with the projection of \$5.5 trillion in surplus. We are now told because of the President's tax cuts and, in part, because of the recession and the potential for war, our projected deficit over the course of the next 10 years will be \$1.7 trillion, \$1.7 trillion deficit from a

\$5.5 trillion surplus just 2 years ago. That represents nearly a \$7 trillion swing in a mere 24 months—\$7 trillion from surplus to deficit in 24 months.

The economic plan the administration passed in 2001 has, unfortunately, been an abject failure. Yet, last night, the President seemed to be asking for more of the same. Before this ditch gets dug any deeper, the President must explain why he thinks this time the results will be any different than the last time.

Mr. President, I have expressed on the floor in past speeches my concern for his plan and how serious a concern we have for the ramifications of that plan. The President started by calling his plan "stimulus." I have noticed in recent months or weeks that he has chosen not to use that word, and I think for good reason. There is very little stimulus in the President's proposal. In fact, by their own recognition and acknowledgement, only 5 percent of the budget in the proposal made by the President in his \$674 billion tax reduction plan is stimulative this year. Ninety-five percent of what the President is proposing takes place next year and the year after—5 percent. That 5 percent is expected to raise 190,000 jobs. Ironically, 190,000 jobs is exactly the number of jobs lost in November and December of last year. So while we have lost 2.3 million jobs, the President is proposing that we enact an economic plan that produces 190,000 jobs this year. So we ought to be clear about that.

There is very little stimulative value in what the President has proposed. Let me say I could understand that if there were some merit to the proposals themselves. But the problem we have with the proposals themselves is they are not broad based. Last night, the President noted there would be some who would benefit by up to \$1,200 and, certainly, in some cases, because of his advocacy of the child tax credit, that would be the case. But there are thousands and thousands of people who are not able, because they don't have children, to benefit from the tax plan as the President proposed. In fact, in his plan, \$20 billion in the first year goes to 226,000 people whose income exceeds \$1 million; \$15 billion goes to the 92 million Americans whose incomes are no greater than \$50,000. So there is an extraordinary disparity between those who would benefit at the very top and those who benefit in a much more marginal way with incomes of \$50,000 or less.

What troubles me the most about the fairness question is not the income disparity, but the notion that we could be sending people to war, that we could actually be asking people to give their lives in pursuit of a war with Iraq at the very time we turn around and tell those with incomes of more than \$1 million they are going to get an \$89,000 tax break. It would be hard—in fact, impossible—for me to accept 10 or 15 or 20 years from now, as the question is

asked: So what did you do? What was your sacrifice in the war on Iraq?—the only answer being, in the case of those making more than a million dollars: I got an \$89,000 tax break. So the fairness question has economic, as well as very real and personal implications that are troubling to many of us.

Perhaps the third and final of all of the many concerns we have with regard to this particular plan is the recklessness. As I said, we are going from a \$5.5 trillion surplus to a \$2 trillion deficit in 2 years. But that doesn't tell the whole story. States are now experiencing deficits that, in total, exceed \$100 billion. Economists have now proposed analyses that would suggest, in addition to the \$100 billion, the tax plan proposed by the President would exacerbate that debt by at least \$4 billion to \$6 billion more. So, ironically, at the very time we are cutting taxes at the Federal level, the President is turning around and requiring Governors to increase taxes at the local and State levels. It just doesn't make sense.

It is reckless as well in the recognition that we are going to be borrowing every dollar in resources that we turn around and give out in the form of tax cuts. Every dollar in those tax cuts comes directly from the Social Security and Medicare trust funds. We have no other resources to send out.

Finally, I simply say, as we consider this recklessness, as we consider our priorities, there is no possible way that we can fight a war in Iraq, that we can dedicate ourselves to the priorities the President articulated in his address last night—which I will turn to in a moment—there is no way we can help the States with the tremendous fiscal crisis they are now facing—a crisis, we are told, that is the worst in 50 years—and turn around and provide a \$1.7 trillion additional tax cut this year.

There is growing concern, as we consider the ramifications of what the President is proposing, that we can cause even more serious damage to the economy were we to take the proposals of the President and enact them as they have been sent to us. It is essential that we go back to the drawing board, essential that we live up to the economic principles that mainstream economists tell us are essential if we are going to do this right. They tell us whatever stimulus we pass ought to be immediate, ought to be time limited, and, indeed, that is what Democrats have proposed—a limited, immediate stimulus that will take effect this year, not in the outyears; that it be fiscally responsible; that we not exacerbate overall indebtedness by \$1.7 trillion; that if anything we limit what exposure there is budgetarily to no more than \$100 billion to \$150 billion—1.5 percent GDP. Our Democratic plan will do that.

A third point they tell us is we ought to be broad based in our approach, provide assistance to where it can do the most good, spur consumption. We do

that with the \$300 rebate, \$1,200 for families with children; the business tax cuts we advocate for accelerated appreciation, for expensing of equipment, and for reducing the cost of health care for employees, in addition to providing the unemployment compensation to the millions of Americans who have not been provided those benefits in recent weeks.

We have done some analysis of families who were in the gallery last night with the First Lady, people who were invited to come because, according to the President, they benefited from the plans the President articulated.

As we calculate those specific benefits, we find, ironically, that they actually do better under the Democratic plan than under the President's plan. The Becks, for example, the senior citizens he cited, get a 43 percent larger benefit under the Democratic plan than they do under the President's plan.

I start with that. I wish the President would have devoted more time to the economy, more time to the concerns that many of us have raised about his proposal, more time to how we are going to address the deficit and how we are going to deal with spurring the economy to bring down that deficit than he did last night. But I stand ready to work with him.

I think it is critical we work together. I am hopeful we can find meaningful bipartisan consensus, and I hope we do it sooner rather than later.

There are reports that some of our colleagues would prefer to wait until April or May before we take up economic stimulus. I think that would be a lost opportunity and a real mistake if, indeed, we want to get this economy back on track at the earliest possible date.

Last night, the President also indicated in his comments that education remained important, but what surprised me about his assertion that it is important is that last night, in a 1-hour speech, education got just one line. The President said we had passed "historic education reform, which now must be carried out in every school and every classroom so that every child in America can read and learn and succeed in life."

Speaking of education reform and other measures passed over the last 2 years, he said:

Some might call this a good record. I call it a good start.

The President is right, it is a good start but only a start. Right now, unfortunately, it appears to be a false start because the President has refused to adequately fund his own education reforms. The Bush administration has proposed the smallest education budget in 7 years despite continued record enrollments in America's public schools, despite new testing requirements and other mandates in new law, despite the worst State budget crises in 50 years—crises that are forcing many States to cut education budgets—despite a looming teacher shortage crisis, despite

growing problems with overcrowded and obsolete school buildings, despite the fact that higher education is slipping farther and farther out of reach for more families, despite the critical importance of education to the social and economic health of America's future—despite all the rhetoric, the Bush administration is proposing an education budget that underfunds his own education reforms by more than \$7 billion.

This, again, begs the question: How in the world, if the President can propose \$1.7 trillion, can he explain underfunding his own education reforms by \$7 billion?

Last night, the President spoke eloquently about the environment. He asked us to pass an initiative he calls "Healthy Forests." Healthy forests is a euphemism for logging without limits to many. It opens more than 20 million acres of national forests to logging and thinning. It allows those projects to avoid environmental laws, public comment, or judicial review. Democrats want a balanced approach to forest management.

The President also talked about a proposal he calls "Clear Skies," another euphemism. Clear Skies is actually weaker than the current Clean Air Act. It delays reductions in air pollution and makes it harder for States to limit pollution.

Again, the President is using all the right rhetoric but clinging to all the wrong policies. When he calls something "Healthy Forests" and it is not, when he calls something "Clear Skies" and it will not, the credibility gap widens.

The President last night also promised a prescription drug benefit under Medicare. What he proposed last night is a prescription drug plan that comes at the expense of Medicare. It is not, as the President said last night, the same as the health care choices that Members of Congress get. Members of Congress get a prescription drug program and benefit regardless of the plan they choose.

Under the President's Medicare privatization plan, seniors can only get drug coverage if they drop out of traditional Medicare and join an HMO. The President omitted this crucial detail last night.

Of all the decisions facing this President, none has more profound consequences than the launching of a war against any country. We all know, in the case of Iraq, that Saddam Hussein is not a man to be trusted. We all know that North Korea has nuclear weapons and is the world's biggest proliferator, and we face three very serious threats. We face the threat that Iraq could acquire and deploy weapons of mass destruction. We face the threat of North Korea, a country that already has nuclear weapons and is threatening to develop more. And we face the threat of additional terrorist attacks, including the horrific prospect of an attack with weapons of mass destruction. We have

to prioritize how we confront these threats, and the President needs to explain why he is approaching each one in the way he is.

My concern is the President has not adequately laid out to the American people or to the international community why our top priority, in light of the other ones, ought to be war with Iraq, and how we can ensure that if we go to a war with Iraq, we will not jeopardize our other priorities, including defending ourselves against terrorist attacks at home.

The President needs to lay out as clearly and as compellingly as he is able what imminent threat Iraq poses for the United States and what we will do as a nation to ensure international cooperation and international support if war becomes an inevitability.

I look forward to hearing more from Secretary Powell next Wednesday, February 5, but if the President has information about what he will share with the United Nations and others on February 5, I ask that he share it with us now. If there is information that has been withheld from Congress, if he has not provided the same information to us that he intends to share with them, I ask that he do so immediately. Certainly, we have every right to know. For us to know now would help us clarify the confusion and the lack of certainty about the threat posed by Iraq which the President addressed last night.

There were also a number of things the President did not mention, which I think needed to be mentioned: Racial reconciliation, hate crimes, diversity in education, equal opportunity. Amazing. There was not one word about these issues, in spite of the fact that a hate crime occurs every 3½ minutes in this country; in spite of the fact that the Supreme Court may be dealing with the issue of diversity in education and equal opportunity in the very near future and the administration has chosen to oppose it; in spite of the fact that we are troubled by our inability to deal with these issues in a meaningful way legislatively in the weeks and months ahead without the direct involvement and leadership on the part of the administration.

The President did not address veterans and health care, and veterans' health in particular. There are 164,000 veterans who may be forced off the rolls because of new criteria involving their eligibility. That, too, could have been addressed and should have been addressed if indeed it was the priority the President maintains.

One million workers were left out of unemployment insurance and the President did not mention that as well. The President did not mention agriculture, did not mention the rural crisis we face, and the tremendous attrition we find in small communities across this country. He did not talk about the issues involving agriculture and the extraordinary challenges farmers and ranchers are facing as we recognize the extraordinary effect that

the drought and other natural disasters have had in recent years.

The President was right when he said this country has many challenges. He was right to say we cannot ignore them and that we should not pass them on to future generations. To prevent that from happening, we need to work together. We need to make sure what is promised is done. Only then will we be able to reduce America's anxiety and truly strengthen our Union.

I yield the floor.

The PRESIDING OFFICER. The assisting minority leader.

Mr. REID. Mr. President, I certainly publicly acknowledge the statement made by our leader. I approve of the statement, as does our Democratic Caucus, and would simply say we look forward to working on a bipartisan basis with the President. There are a lot of things we need to do, but this is a democracy and we have to act accordingly. So I look forward to working with the President on all of these issues about which the Democratic leader spoke.

TITLE IX

Mr. REID. The time is now mine, and I want to talk about something that is real important to me, important to the State of Nevada, and the country. I do not think it would be a stretch to say this administration does not have a good record on protecting civil rights. Republicans say they are for diversity, but they are fighting against policies that promote diversity. Embarrassed and on the defensive following recent events that focused attention on the Republican Party's position on civil rights, the President and other prominent Republicans professed a new willingness to support efforts to expand opportunities for all Americans.

Unfortunately, they have not taken any action to suggest that they have a sincere change of heart. In fact, to the contrary, the President has recently opposed affirmative action policies that open the doors of higher education to a generation of talented and motivated minority students, and he does not oppose affirmative action that gets people in some of our best schools because they are children of alumni, that some students get into because of their athletic ability, and a lot of other issues that were not brought up in the brief the President filed with the Court.

The President has to fully fund education programs, including those targeting minority and low income students. The President has nominated and continues to nominate judicial candidates who have expressed and demonstrated hostilities to civil rights enforcement and has placed opponents of civil rights in positions of power.

Now comes the disturbing news that this administration is on the brink of attacking title IX, programs that have made America better, stronger, and fairer by enabling millions of young

women the same educational opportunities as young men. We cannot—I personally will not—let the administration do that. We cannot let this administration even think about dismantling title IX, taking away opportunities from American women, and undoing the progress we have made over the last 30 years.

Title IX of the education amendments of 1972 was the landmark legislation that prohibits sex discrimination in federally funded educational athletic programs.

In my career, as in the career of the Presiding Officer, I have had the opportunity to meet some very outstanding people. One of the people I met was a woman by the name of Molly Yard. Molly Yard was five foot two, from Pennsylvania, a graduate of Swarthmore, born in China to missionary parents. She came back to the United States when she was age 13. Having participated in athletics in China, when she came back to the United States there were no programs for girls. She always felt less of a person than she could have been for not having the ability to participate in athletics. For this woman, who later in life became the president of the National Organization of Women and was heavily involved in all kinds of activities, the one issue of utmost importance to her was title IX and having young women involved in athletics.

I met Molly Yard. I met her when she was an older woman. She was still very dynamic. Even though, after I met her, she had a stroke and was physically infirm, she was still very enthusiastic about having worked for title IX and young women, girls, participating in athletics.

EVAN BAYH, who is presently the Senator from Indiana, should be proud of his father for many achievements. All of us who know Birch Bayh, a former Senator from the State of Indiana, know what a fine man he is and what a great legislative record he accumulated while in Congress, but EVAN should be most impressed with his father for being the sponsor of title IX. In 1972, it was Birch Bayh who wrote and introduced these amendments that made title IX what it is today.

I will focus my remarks primarily on equal opportunity in athletics, not the whole statute.

As a sports fan, I love athletics. As a young boy, my dream was to be a professional baseball player, but I was not good enough. So I am a Senator instead. As an avid sports fan, I wake up in the morning and the first thing I do is read the sports page. I do it because there is always good news on the sports page. People may not always be happy with the outcome of athletic events, but there is always something good happening on the sports page; somebody won this or won that.

I enjoy very much going out to our university campuses in Nevada. I live in the southern part of the State and go to UNLV most of the time to watch

girls athletics. I love to watch softball. I don't know how many people watch college level or high school level girls softball, but it is so exciting. I hope I don't offend JIM BUNNING, but it is more exciting than baseball. It is quick and fast.

I have had the opportunity to watch some great athletes play softball. Lori Harrigan pitched and won games in two successive Olympics. I recently had a thrilling experience with a young lady named Nicole Truax, an intern from the University of Nevada at Las Vegas, a pitcher on one of their softball teams. I love to talk to Nicole. When she was 12 years old, her father could no longer catch her ball. She threw the ball so hard that her dad could not catch it.

That is what girls athletics is all about. I went to a UNLV girls basketball game recently and I went into the locker room afterwards and talked to them about title IX, about the reason they can participate in athletics, because of a law we passed in Congress.

On the high school level, I recently visited Gorman High School and watched Gorman High School play. The main reason I went was one of my friend's two girls play. They are both athletes, Danielle and Jackie Bates. They run track and play basketball.

I recently visited with and helped present some awards to the Green Valley High School golf team. This golf team set a national record for consecutive victories. On October 1 of last year they broke the record of 128 straight duel match wins by completing another unbeaten season, extending the streak to 133 over 11 years. Girls playing golf; they won the State championship last year by 70 streaks. That is what girls do in athletics.

Before title IX, it was rare to see girls and young women playing sports. Even if they wanted to play and were tall, they could not play in organized competitions because high schools and universities did not have women's teams. When I was in high school, my wife, who I am sure was more athletic than I, could only be a cheerleader. She could not play basketball. Of course, she is only 5 feet tall. There are a lot of 5-foot tall basketball players in women's sports. In those days, a young lady could only become a cheerleader; there were no other athletic competitions for her.

My oldest child is a daughter. Title IX was just coming into being. Programs were very sparse when she was in school and she did not participate in athletics. All my four boys participated. There were programs all over for them.

Thanks to title IX, women today have a much broader range of athletic and educational opportunities at all schools in Nevada and all over America. It has helped to dramatically increase participation in sports among female students. Since the implementation of title IX, there has been an already tenfold participation in high

school sports for girls. Now, there are 3 million girls participating in athletics. At the college level, the number is 150,000 athletes. This shows if you build it, they will come. Girls and young women have a high level of interest in sports and have embraced the opportunity to participate.

This dramatic increase in women participating in athletics has taken place even though women athletes still do not get equal treatment or equal funding that boys and men get. At schools in cities and towns and communities across the country, the boys who play sports are worshipped as heroes and get fancy uniforms, sometimes two or three seats for each player, new training facilities, and the best practice fields and games and an expensive travel budget.

I am sure women, before title IX, would have welcomed a chance to play on any school team, even if it meant wearing an old worn-out uniform, playing at less convenient times. But for girls it is not enough just to play. They deserve equal treatment. That is the law. Despite the inequality and unfairness, girls and young women participate in record numbers.

Remarkably, some critics of title IX trot out old stereotypes, claiming that women are not interested in sports. That is simply not true. The statistics show otherwise. The participation rate of girls in high school athletic programs since 1992 has increased 800 percent. There are five times as many women in college athletics.

We all know young men are actively pursuing opportunities to play sports. They see Michael Jordan and they want to be just like Michael, to jump to new heights. Girls also admire women who are successful in athletics, such as a Mia Hamm or a Julie Foudy, who played on our World Cup championship team, or Sheila Leslie, who plays basketball, or Gail Devers, who can run faster than most men in the world. That is whom they admire. And even though there are the Greg Madduxes and Steve Youngs men admire and respect, there are women athletes whom young women aspire to be like, such as Tasha Schwikert from Las Vegas, still in high school, a gymnast who is ranked No. 1 in the country and fifth in the world. It inspires other young ladies. They see Serena and Venus Williams shining on the court and ask, Why not me?

Last summer, the Secretary of Education announced the appointment of a panel to study title IX. It would have been great if he called for a review of how better to enforce the law, but he did not. Although no one in the administration dares to criticize title IX, and Secretary Paige praised it, they are poised to gut it. American girls and young women must be thinking that with friends like these, who claim to follow the law and like the law but are acting to undermine it, who needs enemies.

This week, the President's Commission on Opportunity in Athletics is

holding its final meeting and will soon make recommendations that threaten the achievements American society has made because of title IX. It would be better entitled the President's Commission to Prevent Opportunity in Athletics.

I am deeply concerned about the stealth attack on women. If the President agrees with recommendations of this Commission—which, by the way, is heavily weighed by very large schools with great big football programs—he can make revolutionary changes. Even though Congress and the courts and the American people and women and men have consistently supported title IX, he could do this, but it would be wrong.

Yesterday, new data released by the Women's Sports Foundation found that the proposed changes being made by the President's Commission could result in a loss of as many as 931,000 opportunities for girls to participate in high school sports each year. Is this bad or wrong? Of course.

What are some of the facts about title IX? What is it and what is it not? No. 1, opponents of title IX claim they are in favor of title IX but not as policies. They certainly do not want to jeopardize men's athletics. No. 2, in reality, nothing in the law or policy requires schools to set aside a certain mandatory number of slots for athletics. In fact, every court that heard this argument has said title IX does not require quotas.

No. 3, then, means title IX is not a quota system. Although one way a school can comply with the law is by ensuring the percentage of male and female students is about equal—the race of men and women in the student body is not the only way you can do it—there are many other ways.

For example, schools can comply with title IX simply by showing it is trying to expand opportunities for female athletes or that it has accommodated interests of female students at the school, whatever the number of opportunities it provides. One proposal apparently being reviewed allows colleges and universities to limit the number of scholarships awarded to female athletes. Regardless of how many women are enrolled, a school would be allowed to limit women to just 43 percent of college scholarships. Why? On average, women comprise 53 percent of the student body's division 1 colleges at the top level of competition, but they are only 41 percent of the athletes.

For most Americans title IX is synonymous with our efforts to provide girls and women an equal opportunity to participate in sports, but title IX addresses a whole range of important programs and issues related to education. In fact, only a small fraction of the title IX complaints received by the Department of Education's Office for Civil Rights are related to athletics. Maybe that is too bad, but it is a fact.

Title IX also has helped to provide women with equal access to higher edu-

cation. Years ago, many universities excluded or severely restricted women from admission to certain programs. Now, however, the percentages of women enrolled in American law schools and medical schools are approximately the same as for men.

Unfortunately, according to reports recently issued both by the National Women's Law Center and the National Coalition for Women and Girls in Education young women continue to be subject to persistent gender segregation and discriminatory counseling in high school vocational and technical education programs at American high schools. They are often steered toward programs like cosmetology, health aide preparation, and child care training all of which lead to lower paying jobs while male students congregate in programs leading to higher paying careers in technology and the trades. This has significant negative implications for women's employment prospects and earning power.

We need to vigorously defend and enforce title IX in all of the areas it covers, so that we can sustain and expand upon the progress we have made. We need not to weaken the programs but to strengthen them.

We need to recognize the importance of title IX in opening educational opportunities for women in math, science, engineering and technology and examine the underrepresentation of female students at both the secondary and post-secondary levels in traditionally male areas of study such as physical science, engineering and technology programs, and the barriers that women continue to face in these programs.

I am concerned that if the President takes steps to deny girls and young women equal opportunity in athletics some will see that as a message that it is also okay to chip away at other laws and programs that protect women and promote fairness.

We need effective title IX enforcement—not weakening—to ensure women have the same opportunities as men to participate in science and technology programs and classes.

While we should be happy with all the progress we have made providing girls and women with opportunities previously denied them, we must continue our efforts to promote gender equality because the job is not complete.

Programs that have proven so effective in helping girls and women are under assault from critics who would like to turn the clock back.

We cannot allow these challenges to succeed—and we will not.

The girls and women playing sports now, their "soccer Moms" and "basketball Dads" will not tolerate a reversal of title IX—and neither will those of us in Congress who advocate equal opportunity for women.

We must continue to encourage participation in sports and provide girls and women the same opportunities

that boys and men have traditionally had. Athletic training and competition have the same benefits for females as for males: teaching them not only how to score goals but also how to set goals—and work hard to achieve them, promoting cooperation and teamwork, developing leadership skills, and instilling self-confidence.

Mr. President, I have had the opportunity to serve in the Senate with two great athletes, two Hall of Fame athletes. One is Bill Bradley, who until recently was a Senator from New Jersey. What a fine man he is. A lot of his greatness was as a result of his athletic abilities.

Senator JIM BUNNING from Kentucky, with whom I have had the pleasure to serve and get to know, is a member of the Baseball Hall of Fame, as Senator Bradley is of the Basketball Hall of Fame. JIM BUNNING is here for a lot of different reasons, however most notably, this man, as he went through his baseball career, developed this tremendous confidence. Anyone who knows JIM BUNNING knows of his tremendous self-confidence. That came as a result of his athletic prowess, ability, and hard work. That is what athletics is all about, and it works for women as it does for men.

At a time when far too many American youth lead sedentary lifestyles and are obese, we must support programs that lead to improved fitness and health. Adolescent female athletes are more likely than non-athletes to develop a positive body image and less likely to become pregnant. They also are at less risk for diseases and health problems that afflict women like osteoporosis or breast cancer.

In addition, sports provide a safe and health alternative to drugs, alcohol, and tobacco, and to anti-social behavior. Students who participate in these programs feel a greater connection to school, have an additional incentive to attend classes and keep their grades up so they can maintain their eligibility.

I am disappointed, if not surprised, that some critics would like to halt this progress. They are making misleading and unfair criticisms of title IX. We are watching what this commission does this week in Washington.

So while we remain vigilant against attacks on title IX, we must also push for its continued implementation and enforcement, and the only changes we will allow will be changes for the better.

Often, we hear that girls and women are the beneficiaries of title IX. I'm sure they are. But I think it is more accurate to say that we all benefit from this important civil rights legislation. Certainly, American society as a whole is better when women—who after all make up more than half of our population—are provided a fair and equal opportunity to develop their full potential.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that the time between 1:30 and 2 be under the control of Senator HOLLINGS; the time between 2 and 3 be under the control of the majority leader or his designee; the time from 3 to 3:15 be under the control of Senator HARKIN; the time between 3:15 and 3:30 be under the control of Senator CORZINE; the time between 3:30 and 4 to be under the control of the majority leader or his designee.

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

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

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

Mr. FRIST. Mr. President, I understand we have the next 30 minutes on our side in morning business.

The PRESIDING OFFICER. The majority leader is correct.

REFLECTING ON THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. FRIST. Mr. President, I rise to very briefly comment on the President's message last night and to initiate my own reflection, which I hope to have the opportunity to continue over the next several days and weeks as we respond to the vision that he painted for us in a very eloquent, very direct, and very focused way last night.

Last night, the President said we will not deny or ignore or pass along today's problems to future leaders and future generations. He said we will confront them head on, we will confront them directly, we will do it with clarity, and we will do it with courage.

He is right. We have much to do. And our success in this body very much depends on our own focus and our own clarity and our own courage.

Let me begin with health care—specifically, this whole issue of Medicare, strengthening and improving Medicare and prescription drugs.

Last night, the President made it clear that if seniors and individuals with disabilities are satisfied, if they like and are pleased with the Medicare coverage they have today—the way the Medicare system works for them today—that they will, in this vision that he paints, have the option of not changing anything, for keeping it just the way it is. Remember, about two out of three of our seniors and individuals with disabilities today do have some prescription drug coverage. Many of those individuals may say: I don't want to change anything.

He also made it clear—and this is what is exciting to me as a physician and as one who has taken care of thou-

sands of Medicare patients—that seniors and individuals with disabilities should have another option, another alternative. That is best understood by saying they will have an opportunity to choose from among a menu of options, much like BILL FRIST does as a Senator or Senator KIT BOND from Missouri does or Senator HAGEL or others.

We hear from the other side of forcing people into HMOs. Let's make it very clear that the option the President began to spell out last night—that I believe in heartily—is that we should give seniors the same options we have to choose from among a variety of plans, not just HMOs, as the other side of the aisle comes back to because they know HMOs are demonized today, but an option of coordinated plans which include prescription drugs.

Nine million Federal employees have this option for a type of care that we all consider very good, that does allow us to choose our own doctors, if you choose such a plan. And those are the sort of options that will be made for seniors. It works for us. It works for 9 million employees. It works for our staffs. So don't seniors deserve the same opportunities?

It is going to take real courage for anyone to tell Americans they should not have the same options that we have, which is the President's proposal: to give those same opportunities to seniors and individuals with disabilities.

Opponents of choice in health care for seniors are saying the President's plan forces individuals to give up their doctors, their family doctors, or forces them to use a particular physician. Indeed, if a senior so chooses to go that route, maybe for larger benefits, higher prescription drug coverage, that may be one route to going in, but that is not what we necessarily have to do. We have that broader choice. To say that people are going to be forced into plans where they have to give up their physicians, that is not what happens to 9 million Federal employees unless that is what they choose to do. I am in the same program, and I choose my own doctor.

What we are hearing is a lot of the same old, tired rhetoric. And it really comes down to scare tactics. When we last talked about Medicare, improving Medicare, in the Senate, this word, "Mediscare," became popularized because that is what people saw, that is what the rhetoric resulted in.

Indeed, some people are using these "Mediscare" tactics to frighten seniors and to create anxiety and insecurity. It is time for us to pull together, in a bipartisan way, to elevate the discussion well above that.

The pursuit of these scare tactics results in nothing but fear and anxiety. Our seniors simply deserve better.

The President talked about the Federal employees' health care program as one model. Under that model, there is a strong public-private partnership where you get the very best out of the

private models combined with the very best oversight and, yes, regulation in terms of the Government model, and you marry the two of those together in a way that you can best—in a coordinated way—take care of prevention, diagnosis, and treatment of seniors and individuals with disabilities.

Many of those plans, as I implied earlier, have an unlimited choice of physicians. In my particular plan, that I chose in the Federal Employees Health Benefits Program, I can go to any physician I would like. So to say it takes away choice is, to me, not being entirely honest with what is being proposed.

To do the right thing for our seniors and individuals with disabilities is going to take a lot of the focus and the clarity that the President spoke about last night in his address. It is going to take a lot of courage in this body to focus on the policy itself—on the policy itself—and not on the politics and the “Mediscare” tactics, to really get down to the substance of the issue itself. Politics and policy each have their time and their place, but when we are talking about the health care for 40 million Americans now and in the future—in essence, all Americans—we really do need to put politics aside. Politics has no place when we are talking about the health of Americans.

My first priority—from medical school, internship, residency, fellowship, and in the practice of medicine—has been to improve access to the best, most affordable health care. As majority leader, in working with the Republican caucus and the Democratic caucus, I want to continue that lifelong commitment to improved access.

It is clear the current Medicare system, the 2003 system, has not kept up with the advances that have been made in preventive health care—in terms of prescription drugs, in terms of chronic care management—because the system has become too rigid.

We are essentially operating with a system designed in 1965, which has been slow to change because the system worked well through the late 1960s, 1970s, and even into the early 1980s. However, we have now gotten to a point where the current Medicare system is limiting choice, where our seniors don't even have a choice of prescription drugs. Prescription drugs has become equally powerful to the operating rooms, where I spent my career using the surgeon's knife.

A survey this month by the AMA tells us that nearly half, 50 percent, of all physicians today are considering either reducing their Medicare patients—the number of patients they will see—or they are leaving the Medicare Program. Why? Because of reduced Medicare reimbursement year after year—a 5-percent reduction last year and another 5 percent this year, they see continued reimbursement below their cost, and they simply cannot stay in business.

The President mentioned medical liability insurance last night. I think it

is important to address it head on because we are reaching a threshold where we are about to see catastrophe. It comes down to frivolous lawsuits. Can we tolerate the lawsuits when the escalation and number of lawsuits, and the money entailed, takes money away from health care and drives people from the practice of medicine to the point that we are having trauma centers close down—most notably in Nevada last year. And 6 weeks ago, we saw the doctors in West Virginia—it hurts me to even think about going on strike in terms of what physicians are doing. When you cannot stay in business, physicians really have no choice. We saw what happened in West Virginia.

The President said frivolous lawsuits have not cured one patient. He is exactly right. I can tell you what will cure patients, and that is changing our medical liability system so doctors can afford to heal, so they can be allowed to heal.

Again, as a doctor, I will fight for the right of any patient to sue and receive fair and just compensation if they have been a legitimate victim of a medical malpractice incident or an error. That is critical and that is right. What is not right, and what I will continue to fight against, is the reduction of access to good health care because doctors and hospitals can no longer afford to continue doing what they do best—diagnose, treat, and heal, provide care—because of these skyrocketing costs that are associated with frivolous, illegitimate lawsuits.

It comes down to the fact that family doctors are having a hard time staying in business and keeping the doors open; trauma units are shutting down; pregnant women in rural America are having a hard time finding an obstetrician because they are having to leave that particular area because of the exorbitant rates they are forced to pay, not because they are bad doctors but because of these skyrocketing lawsuits. It is going to take laser-like focus to fix this, and I agree with the President that we have no option but to fix it now.

The President introduced many positive policies last night. I want to comment on one that means a great deal to me that I think we will be able to address in this body early in the session, and that is the international pandemic of the HIV/AIDS virus. What the President said last night was truly historic, truly unprecedented in the history of the world, addressing head on a problem that has killed 23 million people in the last 20 years—a virus nobody knew anything about in 1981 and that, in the best of all worlds, will kill, for every one person in the last 20, two in the next 20, or almost 45 million people. I cannot begin to say how important this is and how impressed I am that the President is taking bold action, demonstrating bold leadership, by making the United States of America a courier of medical care, of education, and

thereby making the United States of America a courier for international hope, in the sense that it is addressing what is destroying a nation, a continent, and now spreading throughout the world.

I also commend the President for his commitment to the protection of all Americans from this whole threat of bioterrorism. The threat is real and these biological agents are in the hands of our enemy. These agents are deadly. When you talk about anthrax and Ebola, which the President mentioned last night, and you talk about plague, you are talking about agents that are more powerful than nuclear weapons. These weapons of mass destruction—now in the hands of terrorists—are more powerful than nuclear weapons. A biological agent is a tiny microorganism that can be transported in a little vial in your pocket, unlike most nuclear weapons. They are cheap, they are easily transportable, and they are more deadly than nuclear weapons.

My closing point is on this particular facet of weapons of mass destruction. We know our enemies—I speak now of Saddam Hussein and his henchmen—have in their possession quantities that serve no purpose but that of weapons of mass murder. Saddam Hussein, we know, is a serial killer. He has used chemical weapons—they are not biological weapons. There are chemical, biological, and nuclear weapons. Chemical weapons are similar to biological but a little bit different. Saddam Hussein has used chemical weapons and, in 1 day, killed 5,000 of his own people, and 10,000 people in addition to those who were injured, and tens of thousands between 1983 and 1988 were killed by these chemical weapons. We know he has these weapons; we know he harbors terrorists. Why in the world would a rational person believe he would hesitate to help others terrorize the United States or Europe or Asia or Israel, wherever anyone has an agenda of hate?

Some question the wisdom of a preemptive attack against Saddam. It is akin to being against preventive health care, against these deadly microorganisms which are used as weapons of mass destruction, for which there is no cure. We have no cure or vaccine. The Ebola virus kills, and we have no vaccine right now. We have no treatment for the Ebola virus today. It was overlooked, but the President introduced a \$6 billion program last night to best protect us from these biological agents, which we know other countries have developed in the past as offensive weapons of mass destruction.

I look forward to Secretary Powell's presentation at the United Nations next week, as this President continues to use every diplomatic means to force Saddam Hussein to fulfill his responsibilities to the world community. I am proud this Congress voted overwhelmingly to endorse the ability of our President to do whatever is necessary to protect America, including force, if

it is necessary, and we pray that it doesn't come to that.

Our President has shown courage. He has shown clarity. He has shown focus in his efforts to rid the world of terrorists and others who are threats to freedom. I hope all of us in this body show the same courage, clarity, and focus. The health of our Nation depends on it. I yield the floor.

THE PRESIDING OFFICER (Mr. SUNUNU). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the thoughtful discussion our majority leader has given on health issues, on combating AIDS, and on the need to prepare vaccines and protection against the biological weapons that terrorists may use. It was a very important part of the President's speech last night, and certainly there is no one more qualified in this body, or elsewhere, than the distinguished majority leader, the Senator from Tennessee, to speak about these matters.

Following on the State of the Union Message, some commentators were saying today they wish the President had spoken more about the economy. He did speak about the economy. He made it clear that his goal is to see that every American who wants a job and needs a job can find one, and he proposed tax relief to make sure that the money is there for small businesses to expand and grow and hire more people.

Money for working families, for child care and health deductions on their tax returns, and putting a thousand dollars in the pocket of every American family is going to make the economy move.

IRAQ

Mr. BOND. Mr. President, the news has been focusing, and much of the discussion in this Chamber has been on, the threat that Iraq poses. I have listened to some of my colleagues today on the question of what to do about Iraq. Over and over, there is this clarification call for more time: more time for inspectors to do their work; more time to enlist more allies; more time for Saddam Hussein to comply.

With all due respect, I ask them: How much is enough? We have already been at this for 12 years, 12 years since the end of the Persian Gulf war. Do we need 12 more years? One more year?

I would like to flip the question on my colleagues and ask: How much time do we have? Every minute we wait, Saddam Hussein's efforts to acquire weapons of mass destruction and to share them continue. Every minute we wait, the surviving al-Qaida terrorists plot their next attack. We fear it may be a weapon of mass destruction, particularly chemical and biological attack.

Sooner or later, either here or somewhere else in the world, we will run out of time. We ran out of time in New York, Pennsylvania, and the Pentagon on September 11. Brave sailors on the USS *Cole* ran out of time. Our two em-

bassies in Africa ran out of time in 1998. Over 200 innocent victims, mostly Australians, ran out of time in a Bali, Indonesia, nightclub.

How many more attacks must we absorb before we realize that time is not on our side? Where will the next attack be? Will it be against a soft target? Certainly the soft targets are the ones the terrorists say they want to attack. Will it be St. Louis, Kansas City, San Francisco, New York, or someplace in New Hampshire or someplace in South Carolina?

What will it be the next time? More airplanes flown into buildings? Probably not. Truck bombs against sports stadiums? Suicide bombers in crowds? More likely a toxin released in a subway or a skyscraper or at a large public event.

Right now there are people who are sworn enemies of this Nation plotting the next attack. We know their intentions and, unfortunately, we know their capabilities. What we do not know is their next method of attack, although they have a track record of intentional unpredictability.

Will they get their next weapon from Iraq? After 12 years of cat and mouse or rope-a-dope—whatever one wants to call it—we want to call Saddam Hussein's strategy of delay and deception unacceptable.

We cannot wait much longer. We already know too well the true nature of the Saddam Hussein regime in Iraq. He has failed to live up to his obligations under the 1991 cease-fire after the Gulf war. Still, some friends on the other side of the aisle plead for more time. I cannot understand why anyone would plead for more time for Saddam Hussein, a man who has been in clear breach of U.N. obligations since 1992.

Specifically, Iraq has been in material breach of U.N. Resolution 687 which was passed in the spring of 1991. That resolution called upon Iraq to "unconditionally accept" the destruction, removal or rendering harmless "under international supervision" of all "chemical and biological weapons and all stocks of agents and all related subsystems and components of all research, development, support and manufacturing facilities."

Some may be unable to understand that Iraq has been in material breach of the U.N. obligation since 1991. Sadly, this is nothing new. This latest round under U.N. Resolution 1441 was Saddam's last chance to get back into compliance.

Dr. Hans Blix reported to the U.N. Security Council on Monday that in large part, Saddam Hussein has failed to get back into compliance. Even the Washington Post editorialized that it is an "indisputable truth" that "Iraq is in material breach" of 1441. If Iraq is not complying, then it must be lying.

Iraq has not only failed to disarm, it has worked to obstruct and evade international supervision. There are reports Saddam Hussein has tried to infiltrate the U.N. teams; that Iraq has

threatened its scientists with death if they cooperate with U.N. inspectors; that Iraqi security agents have posed as scientists to thwart the inspectors' work. Clearly, Iraq is in violation of 1441 for having failed to comprehensively account for missing weapons of mass destruction.

Secretary Colin Powell had it right when he said it makes no sense for the inspectors to stumble around in the dark looking for evidence of non-compliance. It is instead Saddam Hussein's legal obligation to turn the lights on and turn over the goods.

In addition, Saddam Hussein continues to violate U.N. resolutions by firing at coalition aircraft. He refused U.N. inspectors' request for aerial surveillance, and yet some still plead for more time.

We have drawn so many lines in the sand that we are running out of desert, we are running out of sand in which to draw lines.

The American people will not forgive us if another attack comes when we dither with procedures and process in the corridors of the United Nations. What do we say to the victims then? What words of comfort could we possibly give to widows or children who have lost their parents? Can we say: I am sorry, but we had to enlist the support of the French before we could act? What solace would that provide a family mourning a loved one lost forever?

What about our military troops ordered into harm's way? Every moment of delay allows Saddam Hussein to ready himself for battle, and the more ready he is will quickly translate into higher casualties among U.S. and allied forces.

Time, regrettably, is not on our side. We know what we have to know to act. Indeed, I believe we would be failing our sworn obligation to defend this Nation if we fail to act in light of all we know about the threats we face in Iraq.

For all of my colleagues who are still asking for more time, I plead with them to read the key findings about Iraqi weapons of mass destruction efforts taken directly from the CIA's unclassified Web site. It was reported there last fall.

We know from U.S. and British intelligence reports that have been made public that since 1991, Iraq has repeatedly been caught redhanded lying about the extent of its missile and weapons of mass destruction programs.

With the defection of Saddam's son-in-law, Hussein al-Kamel, in 1991, as head of the Iraq WMD program, he revealed the extent of the continued illegal operations in the face of sanctions and prohibitions. Baghdad illegally retained proscribed al-Hussein missiles and launchers. It constructed a new test engine for the development of missiles capable of threatening much of the region. And it pursued illegal programs to procure materials for illegal development of longer-range missiles. We know that if Iraq acquires sufficient weapons grade material, it could

make a nuclear weapon within a year and, as the President said last night, from the British Government we know that Baghdad has sought significant quantities of uranium from Africa, despite having no active civil program that could require it.

Iraq has recalled specialists to work on its nuclear programs. All key aspects of Iraq's biological warfare program are still active, and most elements are larger and more advanced than before the gulf war. Iraq has begun renewed production of chemical warfare. Iraq has mobile laboratories for military use, corroborating reports about the mobile production of biological weapons. Dr. Blix has corroborated much of U.S. and British intelligence citing unresolved disarmament issues and complaining Iraq's cooperation is not active and should not be a game of catch-as-catch-can.

Mr. President, clearly, Iraq is in material breach of its international obligations, and that should serve as a sufficient trigger for forced disarmament by the international community led by the U.S. and its willing allies at the appropriate time.

After 12 years of consistent evasion, I cannot foresee any circumstance in which the Iraqi regime would now change its stripes. Deception is a reflex of Saddam Hussein's government, and it will persist until the regime is gone.

Iraq has had 12 years worth of opportunity to avoid war. And at every turn, it has chosen a course of action that is delivering us again toward hostilities.

I believe that at this point, the only way truly to disarm Iraq is by force.

If France does not want to go along, obviously, that is no excuse for inaction. Multilateralism should not stall us. We took oaths as Members of this body to defend this Nation against all enemies, foreign and domestic, not on the condition that the United Nations and France agree.

President Bush is well within his duty and obligation to defend this Nation by the use of force against Iraq at any time now. The Risks before this Nation and the world demand that he be ready and willing to use military force, with or without universal international support.

This is a moment of truth for our longtime allies of France and Germany. By their action or inaction, will they strengthen or weaken the international laws that protect all our nations and citizens?

Obviously, it is better to have international support than to not have it. But as Colin Powell said, multilateralism should never be an excuse for inaction.

When I took the oath as a U.S. Senator, I did not swear to defend this Nation against all enemies foreign and domestic—only if the United Nations voted its approval.

I note the remarks of the senior Senator from Delaware yesterday who lamented that never in his career had he heard such disapproval from so many of our allies.

I too am saddened by this situation. I genuinely wish it were not so.

But I disagree with my colleague in assuming that the root cause of our disagreement lies in a faulty U.S. position.

Why is it that so many of my colleagues prefer the judgment of our European allies to that of our own best experts and analysts?

I think there is very little in the historical track record of many of our old European allies that inspires confidence in their ability to identify and deal with threats.

In particular, I find little in France's history to envy with regard to identifying and standing up to threats.

Frankly, I would be worried about our course of action if the French were on board in full. They have a great interest in oil. Thirty percent of the oil out of Iraq goes to a French oil company. That is not grounds to trust them.

It reminds me of when one of my hometown newspapers, the St. Louis Post-Dispatch, editorialized in favor of something I had done. I immediately told my staff that I must have taken an incorrect position on the issue.

I have often found during my career that the right thing is often in direct opposition to the professional stone-throwers and nay-sayers.

But in all seriousness, in contrast to many of my colleagues on the other side of the aisle, I believe the root cause of the disagreement between some of our old European allies and the United States lies within more within the realm of political and naked economic interests than with matters of national security.

The irony of the current situation is that American unilateralism may be the last best hope of old Europe, the Middle East and the United Nations—as it has been so many times over the last few decades.

Our President is on the right course. It is not the easy path. But it is the right one. And he deserves the support of this body and the American people.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

THE DEFICIT

Mr. HOLLINGS. Mr. President, last evening, the distinguished President said we were not going to pass on our problems to the next generation. There has to be a time of sobriety. We have to get off of this deficit binge and get to reality. The best way I know to really bring it to the attention of my colleagues is to go right back to President Bush coming into office. Everyone agrees and says, oh, the Clinton era started the recession, and so it did. But in February of 2001, right after the President had taken office, at the end of that month he acted like instead of a recession it was an economic boom. He talked of \$5.6 trillion in surplus, and

he outlined a budget of some \$2.6 trillion for Social Security. He was going to protect Social Security. He had another \$2 trillion for tax cuts, domestic and defense spending, and in the year before last, he went on to say we should prepare for the unexpected. His budget set aside \$1 trillion over 10 years for additional needs. That is one trillion additional reasons everyone can feel comfortable supporting the budget.

I ask unanimous consent that a pertinent portion of the President's address be printed in the RECORD.

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

My budget has funded a responsible increase in our ongoing operations. It has funded our nation's important priorities. It has protected Social Security and Medicare. And our surpluses are big enough that there is still money left over.

Many of you have talked about the need to pay down our national debt. I listened, and I agree. (Applause.) We owe it to our children and grandchildren to act now, and I hope you will join me to pay down \$2 trillion in debt during the next 10 years. (Applause.) At the end of those 10 years, we will have paid down all the debt that is available to retire. (Applause.) That is more debt, repaid more quickly than has ever been repaid by any nation at any time in history. (Applause.)

We should also prepare for the unexpected, for the uncertainties of the future. We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies or additional spending needs. For example, after a strategic review, we may need to increase defense spending. We may need to increase spending for our farmers or additional money to reform Medicare. And so, my budget sets aside almost a trillion dollars over 10 years for additional needs. That is one trillion reasons you can feel comfortable supporting this budget. (Applause.)

Mr. HOLLINGS. On September 6, 2001—I will never forget it—Mitch Daniels, the director of the Office of Management and Budget, said we were going to have a surplus at that time because we had passed the tax cut and we had actually passed the stimulus.

This is the Senator who forced the vote to have the stimulus in March of that year, because we were thinking of a \$100 billion stimulus, 1 percent of the GDP. What happened instead? They cut it back. They did not give it to the wage earners, to the payroll taxpayers, but they gave it to all the rich and they cut it back some 40-some-billion dollars and it did not work. It was passed in June, along with the tax cut.

By September 6, just before September 11, Mitch Daniels came in and he projected at that particular time a surplus of \$158 billion. Three weeks later we ended up with a deficit of \$143 billion, a swing of some \$300 billion.

They go into the litany now of the recession, which they never wanted to recognize except in debate, and corruption and, of course, the war. They never want to pay for the war. The President says when we have war, we are going to run deficits.

Getting right to the point, I asked the Congressional Budget Office to estimate the cost of September 11th at

that particular fiscal year 2001 and they said \$34 billion, not the \$300 billion swing from a \$158 billion surplus to a \$143 billion deficit.

The President had set up his contingency of \$1 trillion and talked about his tax cuts in the same breath. So we had voodoo II. I will never forget under President Reagan, Vice President Bush, the President's father, had called that voodoo.

I went to a budget meeting last evening with the new Budget Committee, and I heard our distinguished chairman, the Senator from Oklahoma, mention growth, growth. So they got into the buzz word "growth." Let me say what it grows. It grows deficits. It grows debt. In 200 years of history, the cost of all the wars from the Revolution right on up to World War I, World War II, Korea, and Vietnam, we never reached a trillion dollar debt. With only the cost of the gulf war, with the Saudis paying for most of it, we hardly paid the cost of the war. Yet with this growth that we are going to hear about, we are talking about \$6.3 trillion in deficits. We grew into horrendous debt and horrendous interest

costs as a result of voodoo, and now we have voodoo II.

Mr. President, I ask unanimous consent to have this chart printed in the RECORD.

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

TAXES TO PAY FOR WAR

War	Individual increases	Corporate increases
Civil War	0-10%	Dividends.
World War I	13-77%	1-12%.
World War II	79-94%	20-40%.
Korean War	82-91%	38-52%.
Vietnam	70-77%	48-52.5%.
Afghan, Iraq and Terrorism Wars ...	Tax cut	Tax cut.

Mr. HOLLINGS. Early last year, the President said the deficit was going to be small and short-lived. Those were his exact words. I ask unanimous consent to have those remarks printed in the RECORD.

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

Once we have funded our national security and our homeland security, the final great priority of my budget is economic security

for the American people. (Applause.) To achieve these great national objectives—to win the war, protect the homeland, and revitalize our economy—our budget will run a deficit that will be small and short-term, so long as Congress restrains spending and acts in a fiscally responsible manner. (Applause.) We have clear priorities and we must act at home with the same purpose and resolve we have shown overseas: We'll prevail in the war, and we will defeat this recession. (Applause.)

Americans who have lost their jobs need our help and I support extending unemployment benefits and direct assistance for health care coverage. (Applause.) Yet, American workers want more than unemployment checks—they want a steady paycheck. (Applause.) When America works, America prospers, so my economic security plan can be summed up in one work: jobs. (Applause.)

Mr. HOLLINGS. We have been going up, up and away. These are small and short-lived. They can understand the chart better upside down, but here is the actual fact. I ask unanimous consent that a copy of this particular chart be printed in the RECORD.

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

HOLLINGS' BUDGET REALITIES

Pres. and year	U.S. Budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (in billions)	Actual deficit without trust funds (in billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1947	34.5	-9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	-0.6	252.6	
1950	42.6	1.2	-3.1	-4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	-1.5	-3.8	259.1	
Eisenhower:						
1953	76.1	0.4	-6.5	-6.9	266.0	
1954	70.9	3.6	-1.2	-4.8	270.8	
1955	68.4	0.6	-3.0	-3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	-2.8	-7.4	279.7	
1959	92.1	-5.0	-12.8	-7.8	287.5	
1960	92.2	3.3	0.3	-3.0	290.5	
Kennedy:						
1961	97.7	-1.2	-3.3	-2.1	292.6	
1962	106.8	3.2	-7.1	-10.3	302.9	9.1
Johnson:						
1963	111.3	2.6	-4.8	-7.4	310.3	9.9
1964	118.5	-0.1	-5.9	-5.8	316.1	10.7
1965	118.2	4.8	-1.4	-6.2	322.3	11.3
1966	134.5	2.5	-3.7	-6.2	328.5	12.0
1967	157.5	3.3	-8.6	-11.9	340.4	13.4
1968	178.1	3.1	-25.2	-28.3	368.7	14.6
Nixon:						
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	-2.8	-15.1	380.9	19.3
1971	210.2	4.3	-23.0	-27.3	408.2	21.0
1972	230.7	4.3	-23.4	-27.7	435.9	21.8
1973	245.7	15.5	-14.9	-30.4	466.3	24.2
1974	269.4	11.5	-6.1	-17.6	483.9	29.3
Ford:						
1975	332.3	4.8	-53.2	-58.0	541.9	32.7
1976	371.8	13.4	-73.7	-87.1	629.0	37.1
Carter:						
1977	409.2	23.7	-53.7	-77.4	706.4	41.9
1978	458.7	11.0	-59.2	-70.2	776.6	48.7
1979	504.0	12.2	-40.7	-52.9	829.5	59.9
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
1982	745.8	14.5	-128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7
1984	851.9	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.5	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,004.1	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.5	100.0	-155.2	-255.2	2,601.3	214.1
Bush:						
1989	1,143.7	114.2	-152.5	-266.7	2,868.3	240.9
1990	1,253.2	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,324.4	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,381.7	113.2	-290.4	-403.6	4,002.1	292.3
Clinton:						
1993	1,409.5	94.2	-255.1	-349.3	4,351.4	292.5
1994	1,461.9	89.0	-203.3	-292.3	4,643.7	296.3
1995	1,515.8	113.3	-164.0	-277.3	4,921.0	332.4
1996	1,560.6	153.4	-107.5	-260.9	5,181.9	344.0
1997	1,601.3	165.8	-22.0	-187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	-109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	-127.4	5,606.1	353.5

HOLLINGS' BUDGET REALITIES—Continued

Pres. and year	U.S. Budget (outlays) (in billions)	Borrowed trust funds (bil- lions)	Unified deficit with trust funds (in bil- lions)	Actual deficit without trust funds (in bil- lions)	National debt (billions)	Annual in- creases in spending for interest (bil- lions)
2000	1,789.0	258.9	236.2	-22.7	5,628.8	362.0
Bush:						
2001	1,863.9	270.5	127.1	-143.4	5,772.2	359.5
2002	2,011.8	270.1	-158.5	-428.6	6,200.8	332.5

Note.—Historical Tables, Budget of the US Government FY 1998; Beginning in 1962, CBO's The Budget and Economic Outlook: Fiscal Years 2003–2012, January 23, 2002.

Mr. HOLLINGS. Mr. President, we have run down all of these so-called deficits and interest costs from President Truman on through President Bush. You can find that the deficits now of Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, for 6 presidents and almost—in almost 30 years, the cost of World War II, the cost of Korea, and the cost of Vietnam, cumulative, add them all up, those deficits are \$358 billion. Guess what we added up—we ended up with this past September? The end of the fiscal year, September 30, little less than 4 months ago, we ended up with a deficit of \$426 billion. They had estimated at that particular time it was going to be \$173 billion. That was a swing of some \$283 billion.

So when they say they are not going to pass on the costs, and let's not get bogged down in all of these figures around here, we are telling the American GI we are going to war and we hope you do not get killed. But if you are lucky enough not to get killed, come on home because we are going to give you the bill for the war. Have my colleagues ever heard of such a thing?

I want to remind everybody of last year, we tried our best to be fiscally responsible, and I commend our leader for withholding the budget. They said we could not pass one. Why didn't we pass one? Because we passed out the budget resolution, but if we had called up that budget, they would have put on tax cuts. The distinguished Chair knows it because he was a member of the Budget Committee over on the House side—we would have put on reconciliation and they, with the majority vote, could have passed those tax cuts. That is what we were holding up for. We did not want tax cuts on last year and that is why we held up the budget. Listen to what the former Director of the budget, Mr. David Stockman, said when he saw the disaster, the so-called growth, how are we going to grow out of it; all you do is just cut all your revenues.

Call up one of the Governors now with deficits—and they are trying to make it up—and say: Cut the taxes. They would be run out of the State capital. I cannot understand it. I cannot run at home unless I promise to pay the bill; I cannot run for the Senate unless I promise not to pay the bill. It is the darndest nonsense I have ever engaged in. We were trying to cancel the tax cuts. But what did David Stockman say about the Reagan tax cuts?

On page 342 in “The Triumph of Politics”:

The President had no choice but to repeal or substantially dilute the tax cut. That would have gone far toward restoring the stability of the strongest capitalist economy in the world. Ronald Reagan chose to be not a leader but a politician. His obstinacy was destined to keep America's economy hostage to the errors of his advisers for a long, long time.

Voodoo 1, long, long time. We had to get President Clinton in to raise taxes, get the best 8 years of an economy, and now we are going to have not only Voodoo 2 in 2001, but now for 2003 we are going to pass, for next year, another tax cut. It is a foregone conclusion, now that the Republicans have a majority of the Senate as well as a majority of the House.

I commend everyone to read “The Triumph of Politics” and see what the Director of the Budget thought about that particular tax cut.

I ask unanimous consent to have printed in the RECORD the article in this morning's Washington Post: 2004 Budget Likely to Show Record Deficits; OMB Chief Projects Annual Shortfalls of More Than \$300 Billion for 2003–2004.

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

2004 BUDGET LIKELY TO SHOW RECORD DEFICITS

OMB CHIEF PROJECTS ANNUAL SHORTFALLS OF MORE THAN \$300 BILLION FOR 2003, 2004

(By Jonathan Weisman and Mike Allen)

The White House is likely to project record budget deficits next week when President Bush releases a 2004 budget that will include large tax cuts as well as big boosts in spending on homeland defense, Medicare and the military.

In a series of telephone interviews yesterday, White House Office of Management and Budget Director Mitchell E. Daniels, Jr. said the deficits for 2003 and 2004 would approach 3 percent of the economy, or more than \$300 billion a year. That would surpass the 1992 record deficit of \$290 billion, even before the cost of a possible war with Iraq is factored in. It would also be nearly triple the \$109 billion deficit for 2003 that was forecast by the White House six months ago.

“We're about to disappear into the deepest of red ink,” said Sen. John D. Rockefeller IV (D-W.Va.).

Still, expressed as a percentage of the gross domestic product, Daniels said, a \$300 billion deficit is manageable and could be reversed easily if Congress and the president make it a priority. “If what the nation should care about most is getting back to balance, it's no great trick to do it,” Daniels said. “We can do it in a year or two. All we'd have to do is limit spending growth to inflation and undertake no new initiatives.”

That contention was echoed by Treasury secretary nominee John W. Snow at his confirmation hearing yesterday, when he said:

“There is some level of deficits that is troublesome, that begins to tilt the financial markets. We're not there yet. We're a long way from there.”

Nevertheless, the numbers appeared to put to rest any prospect of a return to surpluses this decade. Two years ago, the White House and the Congressional Budget Office forecast a surplus of \$5.6 trillion this decade. In July, the OMB projected a deficit of \$109 billion in 2003, declining to \$48 billion in 2004 before surpluses return. Now, Daniels said he expects the 2004 deficit to be close to his 2003 estimate.

Daniels said the White House will no longer issue 10-year budget projections. “Those numbers would be, in my view, worse than a wasted effort,” he said.

The CBO in August projected deficits of \$145 billion in 2003 and \$111 billion in 2004. The CBO will update those projections today with a relatively optimistic 2003 deficit of between \$165 billion and \$175 billion, according to Senate Republican aides. The CBO will likely project a 2004 deficit of about \$130 billion.

But unlike the White House projections, those figures do not include a new round of tax cuts or the increases in spending for defense, homeland security and Medicare that Bush will be seeking in his new budget.

Daniels said the 2004 budget would propose more than \$40 billion more for homeland security, between a 7 percent and 8 percent increase over last year. Military spending would jump between 4 percent and 5 percent under the plan. Spending on the rest of the government would rise between 3 percent and 4 percent, Daniels said.

A senior administration official said Bush will also seek about \$400 billion over 10 years to overhaul Medicare and add a prescription drug benefit for some seniors.

(Mrs. DOLE assumed the Chair.)

Mr. HOLLINGS. What we are headed for is deficits of \$500 billion—if you have got just \$426 billion and you are already \$167 billion. Let me include the debt to the penny. I want everyone to understand. Do not give me all of this off budget, on budget, unified budget. Just find out how much you spend and how much you pay, and we can find out the shortfall or the deficit.

We are already in a shortfall this year, a little less than 4 months, the public debt to the penny as of the 27th, the most recent. I looked for one this morning, \$167 billion. I ask unanimous consent to have this printed in the RECORD.

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

THE DEBT TO THE PENNY

	Amount
Current: 1/27/2003	\$6,395,237,394,489.82
Current Month:	
1–24–2003	6,392,119,196,353.47
1–23–2003	6,389,561,622,961.91
1–22–2003	6,389,894,461,722.18

THE DEBT TO THE PENNY—Continued

	Amount
1-21-2003	6,387,841,175,651.97
1-17-2003	6,388,587,973,011.41
1-16-2003	6,384,824,540,523.90
1-15-2003	6,386,957,326,682.31
1-14-2003	6,383,462,572,294.58
1-13-2003	6,380,582,269,971.85
1-10-2003	6,382,620,048,983.48
1-9-2003	6,381,926,712,367.35
1-8-2003	6,383,281,068,493.19
1-7-2003	6,387,381,983,103.35
1-6-2003	6,383,514,236,076.15
1-3-2003	6,382,650,489,675.40
1-2-2003	6,389,356,141,156.55
Prior Months:	
12-31-2002	6,405,707,456,847.53
11-29-2002	6,343,460,146,781.79
10-31-2002	6,282,527,974,378.50
Prior Fiscal Years:	
9-30-2002	6,228,235,965,597.16
9-28-2001	5,807,463,412,200.06
9-29-2000	5,674,178,209,886.86
9-30-1999	5,656,270,901,615.43
9-30-1998	5,526,193,008,897.62
9-30-1997	5,413,146,011,397.34
9-30-1996	5,224,810,939,135.73
9-29-1995	4,973,982,900,709.39
9-30-1994	4,692,749,910,013.32
9-30-1993	4,411,488,883,139.38
9-30-1992	4,064,620,655,521.66
9-30-1991	3,665,303,351,697.03
9-28-1990	3,233,313,451,777.25
9-29-1989	2,857,430,960,187.32
9-30-1988	2,602,337,712,041.16
9-30-1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. HOLLINGS. There you are. We are in a heck of a fix and somewhat similar, if you please, to the situation we had with President Clinton.

I will never forget because I was active member and a former chairman of the Budget Committee. We had a \$403.6 billion deficit in 1992. That is the big reason our distinguished President lost reelection and lost to that little Governor down there in Arkansas. The President was running \$403.6 billion deficits. And they said: Yes, you did wonderfully well in the gulf war. But heavens above, you have to get someone to get ahold of it.

We brought the Governor up who balanced budgets. And what did the Governor do? Right after his nomination, in Little Rock, he invited a group of the best financial minds down to Little Rock, sat them all down, including Alan Greenspan, the head of the Federal Reserve, and said: I have won now, but what is for the good of the country, what are we going to do?

Greenspan told him: Mr. President, you not only are going to have to cut spending, you are going to have to increase taxes.

President Clinton went around the room and asked: Do you all agree with that, we have to increase taxes? They said, to a man: That is what we need to do. We need to cut down these deficits, cut down this debt, and keep up the long-term interest rates because we are not investing in the stock market with these horrendous interest costs, almost \$1 billion a day—and it is still almost \$1 billion a day.

The first thing the Government does at 8 o'clock in the morning is go down to the bank and borrow \$1 billion and add it to the debt—every Saturday morning, every Sunday morning, and every Christmas morning. We have got the debt going up, up, and away. But the President says: Don't worry about debt. It is a time of war.

I cannot agree with him on that. What happens, in time of war, is we believe in sacrifice, not just for those who are facing battle. I went back to the Civil War. I remember they chastised my friend Senator LOTT, and they all hail the party of Lincoln. I have heard that now, that chat on the weekend shows—the party of Lincoln. Where is Abraham when we need him now? President Lincoln taxed dividends to pay for the war. Go back and look at the record. He taxed dividends.

President Bush, instead of inviting Alan Greenspan, invited Charles Schwab. He said: Eliminate the tax on dividends. And we call it a stimulus. Come on, who is kidding whom around here? When are we going to sober up and understand the American people? If you are in the war, we want to sacrifice and we want to at least pay for the war.

In World War I, we went up to 77 percent of personal income tax for the highest tax bracket; World War II, up to 94 percent; the Korean war, 91 percent; Vietnam, 77 percent. We are at 38.6 percent right now.

Instead, in the Afghan, Iraq, and terrorism wars we say: Let's cut taxes. We are not going to pay for it.

When we are running a \$6.3 trillion debt and, according to the morning paper—you can interpret what Mitch Daniels says—we will be running a \$500 billion deficit this year, who wants to bet? Tell them HOLLINGS is here. September 30 will come around, and we will add it up, and I will bet your boots if we get all these things for homeland security, for AIDS, for health care, prescription drugs, and everything else of that kind, and put in this tax cut, we will have a \$500 billion deficit. And they say: Don't worry about it.

Worse, they try to sell the dividend tax cut. It is wrong. You tax the income of the corporation, and you tax the individual when he gets his dividends.

I remember my distinguished friend from Texas, Phil Gramm. He stood over there when we were increasing taxes under President Clinton in 1993 and could not get a single Republican vote. And Senator Gramm looked at me and said: You are increasing taxes on Social Security; they will be hunting you Democrats down like dogs in the street.

You ought to look at the record. Now we pay taxes in order to get the Social Security trust fund, and then when I receive the Social Security benefit, I pay taxes—double tax on Social Security. Nobody mentions the Social Security tax. They all mention dividends and all the other things for the rich. And they are trying to say the economy is recovering when the economy is declining. You can't go along with this kind of tax cut here. We tried our best to stop it, and we will do our best here when we show that you have taxed like this before.

I have introduced a value-added tax of 1 percent. I would like to have 2 per-

cent, but I didn't want to argue about the amount. I want to start a value-added tax to pay for the war. It takes the IRS one year to really administer and set it into collection. During that year's time, it could have no effect whatsoever on the economy. They say by the next year we will have recovered. That is what they are telling us. So they can't give me that argument that the value added tax will weaken economy this year if it is passed.

But I have a 1-percent VAT for the payment for the war—not for increased spending, not for tax cuts or anything else, but a tax to pay for the war.

They say their economic initiative is going to be stimulative. Let me get right to the point. You are not going to stimulate anything with the Democratic or the Republican initiative. President Bush wants a \$674 billion tax cut, plus the interest costs of \$300 billion, plus extending and making permanent the tax cut they passed in 2001. All of this adds up to \$4 trillion. I am looking at it the way my market friends look at it. They say: Heavens above, this fellow is going to take \$5 trillion out of the economy in the next several years; I am not going to invest. And we are going to war, and we are not paying for the war. We are looking at \$500 billion deficits, or more.

I don't know any better way to stultify this economy and make sure it doesn't recover. I never heard of such things. This is the worst I have ever seen.

Why do I say it is not going to be a stimulus? If you just run \$426 billion, that is \$35 billion a month. That is the deficit for just last year. And then October, November, December, January—you are already up to \$167 billion in deficits. That is \$40 billion a month. We are spending \$40 billion a month, and the President's stimulus plan of \$110 billion is, let's say, \$10 billion a month. The Democrats', Senator DASCHLE's stimulus plan, is \$143 billion, or \$12 billion a month. I don't think \$10 billion or \$12 billion a month more is going to stimulate this economy. You know that, and I know that. But it is buying the vote and making the mistakes—the Democrats are—even calling either one a stimulus.

There is not going to be any stimulus. It is just throwing away fiscal responsibility, running up the debt, and running up the interest costs. I have many quotes right here with respect to where we are as a result of it.

Let me show just exactly where we are now. For a stimulus, we are going to have one, whether we like it or not. If you listen to the President and you listen to us Democrats, we will agree with him on homeland security, we will agree with him on defense, we will agree with him on health care. It is just a matter of whatever it is. If you pay for defense, \$20 billion; if you pay for health care, another \$40 billion; if you pay for the first responders, if you pay for port security, if you pay for rail security, if you pay for homeland

security, you add another \$20 billion or \$30 billion. If we pay the States money—and we should—that is another \$20 billion or \$30 billion.

That is another \$120 or \$130 billion stimulus we are going to be putting into the pipeline. We are going to be putting that out this year as a stimulus without a tax cut. With the Democrats or the Republicans, we are still going to be paying out \$40 billion or \$50 billion a month that we cannot account for—we cannot pay for.

That is stimulus enough. That would send a message, we are not going to run \$500 billion deficits, because for that amount we could pay for the blooming homeland security and the war and prescription drugs and AIDS in Africa and all of those things we heard about last night. Fine business. Let's go to it. But let's not fool the American people and say this is going to stimulate or kick-start things. Every-

body has the buzz words that pollsters and consultants give them: Kick-start, and growth, and stimulate. They just throw out the words, and we have thrown the economy into a decline.

Let me show just how bad off we are. It came to my attention that the Maastricht Treaty says: In order to be a member of the European Union, the budget deficits have to be held to 3 percent of the GDP, and the gross federal debt to GDP ratio has to be held to 60 percent, in order to assure avoidance of excessive borrowing of members. That is exactly the point. They can see what fiscal responsibility is. They are not going to invest.

You have that fellow who runs around saying deficits don't matter because the Europeans will come over here and supplant the market and they will buy. No, no, they are not going to buy. When the Europeans see this, that you have 3 percent of the GDP and you

have to reduce the gross federal debt to the GDP ratio to 60 percent—we have computed it here. Turn to page 17. We can't put the entire record in here. This is the Budget and Economic Outlook for Fiscal Year 2004 to 2013, just issued this morning by the Congressional Budget Office. You will find on page 17 that the debt, the gross Federal debt, is \$6,620 trillion for 2003. And the gross domestic product is \$10,756 trillion. So the debt as a percent of the GDP is 61.5 percent, and that exceeds the 60 percent requirement.

We can't even join. These smart rascals around here are criticizing the Europeans. We can't even get into the European Union, fiscally, as this article says.

I ask unanimous consent to have this article printed in the RECORD.

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

TABLE 1-4.—CBO'S PROJECTIONS OF FEDERAL DEBT UNDER ITS ADJUSTED BASELINE
(In billions of dollars)

	Actual 2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Debt held by the public at the beginning of the year	3,320	3,540	3,766	3,927	4,013	4,045	4,034	3,983	3,894	3,766	3,501	3,062
Changes to debt held by the public:												
Surplus (–) or deficit	158	199	145	73	16	–26	–65	–103	–140	–277	–451	–508
Other means of financing	63	27	16	13	16	15	14	14	13	12	12	11
Total	220	226	161	86	32	–11	–51	–90	–127	–265	–440	–497
Debt held by the public at the end of the year	3,540	3,766	3,927	4,013	4,045	4,034	3,983	3,894	3,766	3,501	3,062	2,565
Debt held by government accounts:												
Social Security	1,329	1,489	1,664	1,858	2,070	2,302	2,552	2,820	3,106	3,409	3,727	4,057
Other government accounts ¹	1,329	1,364	1,447	1,546	1,660	1,780	1,907	2,038	2,174	2,315	2,463	2,615
Total	2,658	2,854	3,112	3,404	3,730	4,082	4,459	4,858	5,280	5,724	6,190	6,671
Gross federal debt	6,198	6,620	7,039	7,417	7,776	8,116	8,442	8,752	9,046	9,225	9,251	9,236
Debt subject to limit ²	6,161	6,598	7,017	7,395	7,753	8,094	8,419	8,729	9,023	9,201	9,227	9,212
Memorandum: Debt held by the public at the end of the year as a percentage of GDP	34.3	35.0	34.7	33.6	32.2	30.4	28.5	26.5	24.3	21.5	18.0	14.4

¹ Mainly the Civil Service Retirement, Military Retirement, Medicare, Unemployment Insurance, and Airport and Airway Trust Funds.

² Differs from gross federal debt primarily because it excludes most debt issued by agencies other than the Treasury. The current debt limit is \$6,400 billion.

Note.—These projections incorporate the assumption that discretionary budget authority totals \$751 billion for 2003 and grows with inflation thereafter.

Source: Congressional Budget Office.

Mr. HOLLINGS. We would be subject to a \$20 billion to \$50 billion fine right quickly.

We need to rebuild the economy. They will invest. We will get jobs.

I ask unanimous consent to have printed in the RECORD an article in this week's Business Week, on page 50.

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

[From Business Week, Feb. 3, 2003]

(By Pete Engardio, Aaron Bernstein, and Manjeet Kripalani)

THE NEW GLOBAL JOB SHIFT

The sense of resignation inside Bank of America (BAC) is clear from the e-mail dispatch. "The handwriting is on the wall," writes a veteran information-technology specialist who says he has been warned not to talk to the press. Three years ago, the Charlotte (N.C.)-based bank needed IT talent so badly it had to outbid rivals. But last fall, his entire 15-engineer team was told their jobs "wouldn't last through September." In the past year, BofA has slashed 3,700 of its 25,000 tech and back-office jobs. An additional 1,000 will go by March.

Corporate downsizings, of course, are part of the ebb and flow of business. These layoffs, though, aren't just happening because demand has dried up. Ex-BofA managers and

contractors say one-third of those jobs are headed to India, where work that costs \$100 an hour in the U.S. gets done for \$20. Many former BofA workers are returning to college to learn new software skills. Some are getting real estate licenses. BofA acknowledges it will outsource up to 1,100 jobs to Indian companies this year, but it insists not all India-bound jobs are leading to layoffs.

Cut to India. In dazzling new technology parks rising on the dusty outskirts of the major cities, no one's talking about job losses. Inside Infosys Technologies Ltd.'s (INFY) impeccably landscaped 22-hectare campus in Bangalore, 250 engineers develop IT applications for BofA. Elsewhere, Infosys staffers process home loans for Greenpoint Mortgage of Novato, Calif. Near Bangalore's airport, at the offices of Wipro Ltd. (WIT), five radiologists interpret 30 CT scans a day for Massachusetts General Hospital. Not far away, 26-year-old engineer Dharin Shah talks excitedly about his \$10,000-a-year job designing third-generation mobile-phone chips, as sun pours through a skylight at the Texas Instrument Inc., (TXN) research center. Five years ago, an engineer like Shah would have made a beeline for Silicon Valley. Now, he says, "the sky is the limit here."

About 1,600 km north, on an old flour mill site outside New Delhi, all four floors of Wipro Spectramind Ltd.'s sandstone-and-glass building are buzzing at midnight with

2,500 young college-educated men and women. They are processing claims for a major U.S. insurance company and providing help-desk support for a big U.S. Internet service provider—all at a cost up to 60 percent lower than in the U.S. Seven Wipro Spectramind staff with PhDs in molecular biology sift through scientific research for Western pharmaceutical companies. Behind glass-framed doors, Wipro voice coaches drill staff on how to speak American English. U.S. customers like a familiar accent on the other end of the line.

Cut again to Manila, Shanghai, Budapest, or San José, Costa Rica. These cities—and dozens more across the developing world—have become the new back offices for Corporate America, Japan Inc., and Europe GmbH. Never heard of Balazs Zimay? He's a Budapest architect—and just might help design your future dream house. The name SGV & Co., probably means nothing to you. But this Manila firm's accountants may crunch the numbers the next time Ernst & Young International audits your company. Even Bulgaria, Romania, and South Africa, which have a lot of educated people but remain economic backwaters, are tapping the global market for services.

It's globalization's next wave—and one of the biggest trends reshaping the global economy. The first wave started two decades ago with the exodus of jobs making shoes, cheap electronics, and toys to developing countries. After that, simple service work, like

processing credit-card receipts, and mind-numbing digital toil, like writing software code, began fleeing high-cost countries.

Now, all kinds of knowledge work can be done almost anywhere. "You will see an explosion of work going overseas," says Forrester Research Inc., analyst John C. McCarthy. He goes so far as to predict at least 3.3 million white-collar jobs and \$136 billion in wages will shift from the U.S. to low-cost countries by 2015. Europe is joining the trend, too. British banks like HSBC Securities Inc. (HBC) have huge back offices in China and India; French companies are using call centers in Mauritius; and German multinationals from Siemens (SI) to roller-bearings maker INA-Schaeffler are hiring in Russia, the Baltics, and Eastern Europe.

The driving forces are digitization, the internet, and high-speed data networks that girdle the globe. These days, tasks such as drawing up detailed architectural blueprints, slicing and dicing a company's financial disclosures, or designing a revolutionary microprocessor can easily be performed overseas. That's why Intel Inc. (INTC) and Texas Instruments Inc. are furiously hiring Indian and Chinese engineers, many with graduate degrees, to design chip circuits. Dutch consumer-electronics giant Philips (PHG) has shifted research and development on most televisions, cell phones, and audio products to Shanghai. In a recent PowerPoint presentation, Microsoft Corp. (MSFT) Senior vice-President Brian Valentine—the No. 2 exec in the company's Windows unit—urged managers to "pick something to move offshore today." In India, said the briefing, you can get "quality work at 50% to 60% of the cost. That's two heads for the price of one."

Even Wall Street jobs paying \$80,000 and up are getting easier to transfer. Brokerages like Lehman Brothers Inc. (LEH) and Bear, Sterns & Co. (BSC), for example, are starting to sue Indian financial analysts for number-crunching work. "A basic business tenet is that things go to the areas where there is the best cost of production," says Ann Livermore, head of services at Hewlett-Packard Co. (HPQ), which has 3,300 software engineers in India. "Now you're going to see the same trends in services that happened in manufacturing."

The rise of globally integrated knowledge economy is a blessing for developing nations. What is means for the U.S. skilled labor force is less clear. At the least, many white-collar workers may be headed for a tough readjustment. The unprecedented hiring binge in Asia, Eastern Europe, and Latin America comes at a time when companies from Wall Street to Silicon Valley are downsizing at home. In Silicon Valley, employment in the IT sector is down by 30% since early 2001, according to the nonprofit group Joint Venture Silicon Valley.

Should the West panic? It's too early to tell. Obviously, the bursting of the tech bubble and Wall Street's woes are chiefly behind the layoffs. Also, any impact of offshore hiring is hard to measure, since so far a tiny portion of U.S. white-collar work has jumped overseas. For security and practical reasons, corporations are likely to keep crucial R&D and the bulk of back-office operations close to home. Many jobs can't go anywhere because they require fact-to-face contact with customers. Americans will continue to deliver medical care, negotiate deals, audit local companies, and wage legal battles. Talented, innovative people will adjust as they always have.

Indeed, a case can be made that the U.S. will see a net gain from this shift—as with previous globalization waves. In the 1990s, Corporate America had to import hundreds of thousands of immigrants to ease engineering shortages. Now, by sending routine serv-

ice and engineering tasks to nations with a surplus of educated workers, the U.S. labor force and capital can be redeployed to higher-value industries and cutting-edge R&D. "Silicon Valley doesn't need to have all the tech development in the world," says Doug Henton, president of Collaborative Economics in Mountview, Calif. "We need very good-paying jobs. Any R&D that is routine can probably go." Silicon Valley types already talk about the next wave of U.S. innovation coming from the fusion of software, nanotech, and life sciences.

Globalization should also keep services prices in check, just as it did with clothes, appliances, and home tools when manufacturing went offshore. Companies will be able to keep shaving overhead costs and improving efficiency. "Our comparative advantage may shift to other fields," says City University of New York economist Robert E. Lipsey, a trade specialist. "And if productivity is high, then the U.S. will maintain a high standard of living." By spurring economic development in nations such as India, meanwhile, U.S. companies will have bigger foreign markets for their goods and services.

For companies adept at managing a global workforce, the benefits can be huge. Sure, entrusting administration and R&D to far-flung foreigners sounds risky, but Corporate America already has become comfortable hiring outside companies to handle everything from product design and tech support to employee benefits. Letting such work cross national boundaries isn't a radical leap. Now, American Express (AXP), Dell Computer (DELL), Eastman Kodak (EK), and other companies can offer round-the-clock customer care while keeping costs in check. What's more, immigrant Asian engineers in the U.S. labs of TI, IBM (IBM), and Intel for decades have played a big, hidden role in American tech breakthroughs. The difference now is that Indian and Chinese engineers are managing R&D teams in their home countries. General Electric Co. (GE), for example, employs some 6,000 scientists and engineers in 10 foreign countries. GE Medical Services integrates magnet, flat-panel, and diagnostic imaging technologies from labs in China, Israel, Hungary, France, and India in everything from its new X-ray devices to \$1 million CT scanners. "The real advantage is that we can tap the world's best talent," says GE medical Global Supply Chain Vice-President Dee Miller.

That's the good side of the coming realignment. There are hazards as well. During previous go-global drives, many companies ended up repatriating manufacturing and design work because they felt they were losing control of core businesses or found them too hard to coordinate. In a recent Gartner Inc. survey of 900 big U.S. companies that outsource IT work offshore, a majority complained of difficulty communicating and meeting deadlines. As a result, predicts Gartner Inc. Research Director Frances Karamouzis, many newcomers will stumble in the first few years as they begin using offshore service workers.

A thornier question: What happens if all those displaced white-collar workers can't find greener pastures? Sure, tech specialists, payroll administrators, and Wall Street analysts will land new jobs. But will they be able to make the same money as before? It's possible that lower salaries for skilled work will outweigh the gains in corporate efficiency. "If foreign countries specialize in high-skilled areas where we have an advantage, we could be worse off," says Harvard University economist Robert Z. Lawrence, a prominent free-trade advocate. "I still have faith that globalization will make us better off, but it's no more than faith."

If the worries prove valid, that could reshape the globalization debate. Until now,

the adverse impact of free trade has been confined largely to blue-collar workers. But if more politically powerful middle-class Americans take a hit as white-collar jobs move offshore, opposition to free trade could broaden.

When it comes to developing nations, however, it's hard to see a downside. Especially for those countries loaded with college grads who speak Western languages, outsourced white-collar work will likely contribute to economic development even more than new factories making sneakers or mobile phones. By 2008 in India, IT work and other service exports will generate \$57 billion in revenues, employ 4 million people, and account for 7 percent of gross domestic product, predicts a joint study by McKinsey & Co. and Nasscom, an Indian software association.

What makes this trend so viable is the explosion of college graduates in low-wage nations. In the Philippines, a country of 75 million that churns out 380,000 college grads each year, there's an oversupply of accountants trained in U.S. accounting standards. India already has a staggering 520,000 IT engineers, with starting salaries of around \$5,000. U.S. schools produce only 35,000 mechanical engineers a year; China graduates twice as many. "There is a tremendous pool of well-trained people in China," says Johan A. van Splunter, Philips' Asia chief executive.

William H. Gates III, for one, is dipping into that pool. Although Microsoft started later than many rivals, it is moving quickly to catch up. In November, Chairman Gates announced his company will invest \$400 million in India over the next three years. That's on top of the \$750 million it's spending over three years on R&D and outsourcing in China. At the company's Beijing research lab, one-third of the 180 programmers have PhDs from U.S. universities. The group helped develop the "digital ink" that makes handwriting show up on Microsoft's new tablet PCs and submitted four scientific papers on computer graphics at last year's prestigious Siggraph conference in San Antonio. Hyderabad, India, meanwhile, is key to Microsoft's push into business software.

This is no sweatshop work. Just two years out of college, Gaurav Daga, 22, is India project manager for software that lets programs running on Unix-based computers interact smoothly with Windows applications. Daga's \$11,000 salary is a princely sum in a nation with a per capita annual income of \$500, where a two-bedroom flat goes for \$125 a month. Microsoft is adding 10 Indians a month to its 150-engineer center and indirectly employs hundreds more at IT contractors. "It's definitely a cultural change to use foreign workers," says Sivaramakichenane Somasegar, Microsoft's vice-president for Windows engineering. "But if I can save a dollar, hallelujah."

Corporations are letting foreign operations handle internal finances as well. Procter & Gamble Co.'s (PG) 650 Manila employees, most of whom have business and finance degrees, help prepare P&G's tax returns around the world. "All the processing can be done here, with just final submission done to local tax authorities" in the U.S. and other countries, says Arun Khanna, P&G's Manila-based Asia accounting director.

Virtually every sector of the financial industry is undergoing a similar revolution. Processing insurance claims, selling stocks, and analyzing companies can all be done in Asia for one-third to half of the cost in the U.S. or Europe. Wall Street investment banks and brokerages, under mounting pressure to offer independent research to investors, are buying equity analysis, industry reports, and summaries of financial disclosures from outfits such as Smart Analyst Inc. and

OfficeTiger that employ financial analysts in India. By mining databases over the Web, offshore staff can scrutinize an individual's credit history, access corporate public financial disclosures, and troll oceans of economic statistics. "Everybody these days is drawing on the same electronic reservoir of data," says Ravi Aron, who teaches management at the Wharton School at the University of Pennsylvania.

Architectural work is going global, too. Fluor Corp. (FLR) of Aliso Viejo, Calif., employs 1,200 engineers and draftsmen in the Philippines, Poland, and India to turn layouts of giant industrial facilities into detailed specs and blueprints. For a multibillion-dollar petrochemical plant Fluor is designing in Saudi Arabia, a job requiring 50,000 separate construction plans, 200 young Filipino engineers earning less than \$3,000 a year collaborate in real time with elite U.S. and British engineers making up to \$90,000 via Web portals. The principal Filipino engineer on plumbing design, 35-year-old Art Aycardo, pulls down \$1,100 a month—enough to buy a Mitsubishi Lancer, send his three children to private school, and take his wife on a recent U.S. trip. Fluor CEO Alan Boeckmann makes no apologies. At a recent meeting in Houston, employees asked point-blank why he is sending high-paying jobs to Manila. His response: The Manila operation knocks up to 15 percent off Fluor's project prices. "We have developed this into a core competitive advantage," Boeckmann says.

It's not just a game for big players: San Francisco architect David N. Marlatt farms out work on Southern California homes selling for \$300,000 to \$1 million. He fires off two-dimensional layouts to architect Zimay's PC in Budapest. Two days later, Marlatt gets back blueprints and 3-D computer models that he delivers to the contractor. Zimay charges \$18 an hour, vs. the up to \$65 Marlatt would pay in America. "In the U.S., it is hard to find people to do this modeling," Zimay says. "But in Hungary, there are too many architects."

So far, white-collar globalization probably hasn't made a measurable dent in U.S. salaries. Still, it would be a mistake to dismiss the trend. Consider America's 10 million-strong IT workforce. In 2000, senior software engineers were offered up to \$130,000 a year, says Matt Milano, New York sales manager for placement firm Atlantic Partners. The same job now pays up to \$100,000. Entry-level computer help-desk staffers would fetch about \$55,000 then. Now they get as little as \$35,000. "Several times a day, clients tell me they are sending this work off shore," says Milano. Companies that used to pay such IT service providers as IBM, Accenture (ACN), and Electronic Data Service (EDS) \$200 an hour now pay as little as \$70, says Vinnie Mirchandani, CEO of IT outsourcing consultant Jetstream Group. One reason, besides the tech crash itself, is that Indian providers like Wipro, Infosys, and Tata charge as little as \$20. That's why Accenture and EDS, which had few staff in India three years ago, will have a few thousand each by next year.

Outsourcing experts say the big job migration has just begun. "This trend is just starting to crystallize now because every chief information officer's top agenda item is to cut budget," says Gartners Karamouzis. Globalization trailblazers, such as GE, AmEx, and Citibank (C), has spent a decade going through the learning curve and now are ramping up fast. More cautious companies—insurers, utilities, and the like—are entering the fray. Karamouzis expects 40 percent of America's top 1,000 companies will at least have no overseas pilot project under way within two years. The really big offshore push won't be until 2010 or so, she predicts, when global white-collar sourcing practices are standardized.

If big layoffs result at home, corporations and Washington may have to brace for a backlash. Already, New Jersey legislators are pushing a bill that would block the state from outsourcing public jobs overseas. At Boeing Co. (BA), an anxious union is trying to ward off more job shifts to the aircraft maker's new 350-person R&D center in Moscow (page 42).

The truth is, the rise of the global knowledge industry is so recent that most economists haven't begun to fathom the implications. For developing nations, the big beneficiaries will be those offering the speediest and cheapest telecom links, investor-friendly policies, and ample college grads. In the West, it's far less clear who will be the big winners and losers. But we'll soon find out.

Mr. HOLLINGS. "Is your job next?" I have been at this 36 going on 37 years now. We said we were going to create so many jobs when we had NAFTA. We have lost exactly 57,100 jobs in textiles alone in the State of South Carolina since NAFTA—57,100.

We have lost 2 million jobs since President Bush took office. He said: My economic plan last year is encapsulated in one word—jobs. So he got fast track. Everybody, as this article shows, headed to China. Not just the smokestack jobs, but the service jobs. Not just the service jobs, but the high-tech jobs.

What we need to do, like President Nixon, is take those States where we have a deficit in the balance of trade and put in a 10-percent import surcharge. I was here when we did it. We went around with Senator Mansfield to explain it to all the heads of state—nine countries in Europe—that is what we ought to do: We ought to hold up on this Eximbank financing the building of your plants. Because if you did get the economy going, it is not going in America, instead it is creating jobs in downtown Shanghai.

Right to the point, we ought to enforce 301. We ought to do away with that Bermuda thing. I am talking fast because my time has reached the endpoint here. But right to the point here, we have to start rebuilding a competitive trade policy, on the one hand, and get ahold of ourselves like the Governors and the mayors, and start paying the bill and cut out this nonsense about tax cuts stimulating.

I yield the floor.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

NATIONAL SECURITY AND OUR ECONOMY

Mr. MCCONNELL. Mr. President, the President of the United States stated that America faces decisive days for our economic and national security needs. He has called for strong steps

and unity to make America stronger and prosperous.

From this call, will America get the leadership from its elected officials or will it, instead, get just partisan rancor? We all hope for the former but begin to suspect the latter.

No one can imagine the awesome responsibility and burden of protecting the lives of millions of Americans and defending the free world. With such a daunting challenge as protecting American lives, I have deferred to the judgment of the President, whether a Democrat or a Republican.

On September 11, 2001, that challenge became immeasurably greater. An unimaginable act of evil changed the world of today, tomorrow, and for decades ahead. Yet only the President seems to have taken to heart that the matrix of terror has multiplied.

The options and choices and avenues for a terrorist to strike at America are almost beyond human comprehension. The President must not only comprehend these new terrorist risks to America, but he also must defend against them. Of all terrorist threats to America and the world, is any greater than the terrorists of al-Qaida employing the modern, destructive weapons of Saddam Hussein?

If outlaw regimes and suicide terrorists conspire, entire cities—entire cities—not just buildings are at risk and millions, rather than thousands, of lives could be lost.

The time when America could sleep and let outlaw regimes fester is over. But before the President can prevent this murderous alliance, many in this Chamber say they need proof. They do not demand proof that a ruthless terrorist-supporting despot has disarmed, as required by the U.N. over a decade ago. Instead, they demand proof from our President that Iraq is still armed.

The proof is in, and the President has provided more. U.N. and U.S. intelligence report that for a dozen years Iraq has had materials to produce 26,000 liters of anthrax, 38,000 liters of botulism, 500 tons of sarin, mustard and VX nerve gas, and 30,000 munitions capable of delivering chemical agents.

He has used these weapons of mass destruction against his own people. And the U.N. says there is no proof that Iraq has rid itself of these chemical and biological weapons. Yet we are told the President must show proof.

Iraqi defectors tell of mobile biological labs, but we need more proof, they say. U-2 surveillance planes over Iraq are blocked, but the critics say more proof is needed.

Iraqi security officers intimidate and threaten the lives and families of cooperative scientists, but the critics say more proof is needed.

In the past, such demands for more proof, in the face of overwhelming evidence, have been fully answered with such notable events as the invasion of Poland in 1939 and the attack on Pearl Harbor in 1941. The price of that proof was measured in millions of lives.

What price of proof will America pay before we act? The President says the price will be a day of horror like none we have ever known.

As the President does everything to prevent that day, too many see the U.N. inspections as a game of hide and seek rather than life and death, which is the issue that it is. So that is really what is before us with regard to Iraq.

With regard to economic growth, economic security for working Americans and hope for those unemployed will not come from growing the Government but only from growing the economy. To get the economy growing—to create a job for every man and woman seeking employment—the President has proposed broad tax relief for 92 million taxpayers at an average of \$1,100 each.

The President's plan will increase the reward Americans receive for working, producing, saving, and investing—everything that is part of a growing economy. Small businesses, married couples, families with children, and retirees will all be the individual beneficiaries. But the biggest winner will be the U.S. economy. For 40 years, every tax relief proposal saw its opponents try to divide and conquer taxpayers with claims of “tax breaks for the rich.” And again this year is no different.

What specific part of the President's plan do they object to? Do they want to penalize marriage for a few more years? Do they think parents with kids should wait longer for the \$1,000-per-child tax credit? Should the tax rate reductions be delayed along with the incentives to grow the economy? Some of our colleagues across the aisle supported these changes last year, but it seems there is always some reason now is the wrong time for tax relief. In fact, I cannot remember when there was a right time for tax relief, listening to our colleagues on the other side of the aisle. So it is always the wrong time. It is always no, maybe later, or it is, yes, but not now for you, or you, or you.

We hear a lot of talk about the stock market. But it sounds as if we are talking about the weather. Everybody talks about it and complains but no one wants to do anything about it. The President does something about it by ending double taxation of dividends. His plan will get the stock market growing again, but we have no Democratic plan for the stock market, other than to complain. If the President's opponents would show the same determination to grow the economy as they do in growing the Government—as we saw here on the floor of the Senate just over the last couple of weeks with amendments offered and, thankfully, defeated, that would have added in excess of \$300 billion to the deficit—America would be in fine shape. Over the last 2 weeks, as I just indicated, our friends on the other side of the aisle forced votes on new spending that would have paid for almost half of the President's tax cut. Other spending add-ons that were offered, but not

voted on, probably doubled that amount. The President's opponents have called for a \$300 tax rebate for individuals and up to two children. So much for no child left behind.

Now, if we had a budget surplus and the economy was humming along, fine, I would support a broad rebate. But today we need to get the economy going again; we need to prime the pump, not splash limited resources around in a manner that does nothing to grow the economy.

When it comes to our national and economic security, the world changed on 9/11 and, more than anyone else, the President has realized this. His determination to stamp out the outlaw regime of Saddam Hussein is the President's realization that the threat to national security today is far greater than it was prior to 9/11. For national security, we need to do more than we have done before. His determination to enact an economic growth package is based on the President's understanding that the impact to our economy from the 9/11 attack was far greater than anyone imagined.

For economic security, we need to do more than we have done before. He knows we need to do more, and the American people know it, too. The only question is when will this Congress figure out that the world has changed and catch up?

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

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

STATE OF THE UNION ADDRESS

Mr. WARNER. Mr. President, I was privileged to be present last night at the President's State of the Union Address. Earlier today, I said the State of the Union Address was delivered magnificently, in a way that I think touched the hearts and souls of millions of Americans. Certainly this heart and soul was deeply touched. I was very proud for the manner in which the President delivered that message—with sincerity, calmness, and confidence. It happened to be my 25th State of the Union Message. For a quarter of a century I have been privileged to represent the great State of Virginia and be a part of this institution. I have never been more proud of any President at any time than I was of George Bush last night.

I want to address those very clear remarks with regard to the state of the world and, most specifically, the leadership that our Nation has given in the worldwide fight against terrorism. We are committed, and committed until the end, and the end is nowhere in sight. We made great progress. The

President detailed that progress. We have much more progress to make. I am very pleased over the creation of the Department of Homeland Security. I have been a strong supporter of that from the beginning. I remember, before the White House staff decided we should move in that direction, I was among those, with many others in the Chamber, who advocated that we move in the direction to create a separate Department. We have done that. We have selected a fine Secretary and two of his first deputies to take up the heavy responsibilities. It is my hope that we will give it strong support in this Chamber, that we will give it strong financial support in terms of appropriations.

We must guard against a competitive battle between the Department of Homeland Security and the Department of Defense, because homeland security begins on the far-flung battlefields of the world. Today, it is Afghanistan and Indonesia; it is all across the world. And to the extent that we can defeat the efforts of any one, two, three, or four groups of individuals who, through the mechanism of terrorism wish to bring harm against the United States, let us hope we can do that in the far-flung lands of the world. That is homeland defense. That is the principal responsibility of the Department of Defense, with our troops in forward projection. They are to deter, first and foremost, to stop, discourage before it starts, any attack against the United States; but should that attack occur, then engage.

We have seen the heroism of the men and women of our Armed Forces, together with the Armed Forces of other nations in Afghanistan. While that operation is by no means complete—and certainly in the last few days we witnessed another outbreak of hostilities—we are making steady progress.

As we approach our budgetary responsibilities of the Department of Defense, and now the new Department of Homeland Security, we don't want to see a competition and a push-pull. Each is deserving of our full and strongest measure of attention and, eventually, authorizations and appropriations. I hope to take a strong lead in that effort.

Returning to the remarks of our great President last night, he outlined the steps we have taken thus far with regard to the enormity of the threats posed by Iraq, most particularly under the leadership of Saddam Hussein, and recited what we have done. The President did not have to come to the Congress of the United States, but he did come to the Congress, and he received an overwhelming vote of approval—77 colleagues, I among them as one of the coauthors of the resolution—77 strong votes.

He has now indicated further steps he is taking, working with the community of nations in the world—the United Nations and other nations such as Great

Britain, Great Britain having taken a strong leadership role. He will be meeting with the Prime Minister of Great Britain in the coming days, talking regularly with heads of state in government worldwide in an effort to strengthen the already strong coalition of those nations willing, if force is necessary, to use force, to join us in support.

The President has always said war is the last option. He reiterated that last night. Quite clearly, the steps he is taking, this weekend with heads of state in government, by sending our distinguished Secretary of State Colin Powell to the United Nations to, once again, undertake the persuasion, which he has brilliantly displayed to date, are required among various nations in the course that is right and the course that is just and the course that will preserve the integrity of the United Nations as an organization.

Saddam Hussein has thumbed his nose at that organization for 12 years, defied all the resolutions, even kicked the inspectors out, inspectors who were there pursuant to resolutions of the Security Council. That is a sad and distressing record, and we would not be where we are today with the world focusing on this situation, with the United Nations Security Council meeting, acting, and passing Resolution 1441, which is good and tough, had it not been for the leadership of our President working with Prime Minister Tony Blair and other heads of state in government.

We owe our leaders a great debt because there may be a legitimate discussion about certain aspects of the policy on Iraq—and I welcome that debate; I think it strengthens our resolve—but there can be no dispute that Saddam Hussein possesses these weapons of mass destruction, has used them in the past, and today he is in absolute defiance of Resolution 1441.

An impartial observer, Hans Blix, charged with the mission of conducting the inspections under the resolution has now reported to the United Nations and reported to the whole world about the continuous noncompliance, lack of cooperation by Saddam Hussein.

Let me read a part of the Blix report. In Mr. Blix's words:

Iraq appears not to have come to a genuine acceptance, not even today, of the disarmament that was demanded of it and which it needs to carry out to win the confidence of the world and live in peace.

Saddam Hussein has the power this afternoon, tomorrow, as he had for the 2 months of the inspections, to comply with Resolution 1441 and avoid even the threat, much less the actuality, of the use of force. But he has been defiant day after day, night after night, and I commend Mr. Blix and his organization for doing their best and for putting forward to the United Nations and the Security Council and, indeed, the whole world a very frank and candid report.

Again, our President continues to work within the framework of nations

seeking a course referred to as diplomacy to try to avoid the use of force, to try to have compliance with the security resolution.

For 12 years, he has defied the United Nations, and subsequent to Resolution 1441 we have had these 2 months or so of inspections. Again, I commend you, Mr. President, for the calmness, for the confidence, and for the wisdom to continue on the course that you established, on the course that 77 of the colleagues in this Chamber strongly backed, but at the same time, Mr. President, reminding Saddam Hussein and reminding the world that diplomacy can be no stronger than the resolve of the nations to enforce it, and that resolve is there.

In the words of the President, let there be no doubt, he will not let the security interests of this Nation or those of our principal allies and friends be put in peril by Saddam Hussein and his inventory of weapons of mass destruction if diplomacy fails.

No timetable was established. Again, step by step he is proceeding through a process that is very important.

I draw a contrast to what happened in 1991. Again, I was privileged to be the coauthor of that resolution. At the time, I was, with Senator DOLE, one of the floor managers on this side of that historic debate. Mind you, we had some 500,000 men and women of the United States in position in the gulf region. We had a coalition of at least 12 nations with combatant troops that were going to join. This Chamber had its historic debate and, by a mere margin of five votes, was the resolution approved. Action was taken, and, very quickly and properly, the Members of this Chamber rallied behind the President and rallied behind the troops.

We have troops today and will have troops tomorrow, as they did yesterday and the day before, leaving their families, leaving their homes, leaving their military assignments in the United States, individually and as units, and being forward deployed. Those forward deployments are essential because they back up the resolve of those trying to settle this matter diplomatically through a group of nations. Were it not for those deployments and the announcement by Great Britain and, indeed, some others to contribute forces, a lot of the rhetoric, a lot of the effort would simply not send a message to Saddam Hussein.

I wish to commend our President. I notice there has recently been a statement to the effect that some of our colleagues might believe we should at this time, which surprises me—we want to stand solidly behind our President at this time as he continues his work with the heads of state in government; as our Secretary of State once again goes to the United Nations, we want to stand solidly behind him. But yet our colleague, Mr. KENNEDY, issued a release yesterday which said:

Much has changed in the many months since Congress debated war with Iraq.

I think the inspectors have diligently worked hard. Some could say progress is being made. But stop to think of the progress that would have been made had Saddam Hussein just complied with Resolution 1441 and shown the inspectors where his arsenal was located, such that it could be verified, such that it could be audited and eventually destroyed. If we are to undertake debate, whether it is today or tomorrow, as indicated by my distinguished friend and colleague who serves on the Armed Services Committee, the first question I put is: Is the debate timely in terms of the steps our President committed to take, and has taken, this week and next week? Is the time of such a debate helpful to our President?

Second, he says much has changed. Is there any indication Saddam Hussein has done one thing to comply with the most recent Resolution 1441, much less the resolutions of the 12 previous years? As an individual Senator, I have worked and attended almost all the briefings on this subject. I have participated in most of the debates. I have not seen a Senator bring to the forefront clear and convincing evidence that Saddam Hussein has done anything to comply with the terms of Resolution 1441. If anything, he has taken steps to thwart the efforts of the inspectors, to impede them.

This type of inspection regime is not new. It was implemented in South Africa successfully. It was implemented in the Ukraine successfully. So there is a track record with the United Nations that is well known in the field of diplomacy and among the nations of the world, but that does not have any parallel to what Saddam Hussein has steadfastly refused to do. He has not budged an inch to comply with the current Security Council resolutions.

That would be the second question I pose to Mr. KENNEDY or other colleagues were they to come to the Chamber. Is it timely? Show me what Saddam Hussein has done to merit this further consideration, either by debate or otherwise in this Chamber.

Time is not on our side. I am not suggesting I can set a timetable. Under the Constitution, that is the prerogative of the President of the United States, in accordance with those provisions which say that the executive branch shall negotiate. The executive branch sets the foreign policy of this country. We have the right to disagree, but they set the foreign policy. And the President did that last night.

It is clear to me that every day that goes by, Saddam Hussein has the ability to take these weapons of mass destruction, which nobody disagrees he has—Hans Blix pointed it out clearly—and proliferate them around the world, and not necessarily by truckloads. A very small vial, one, two, or three dozen, can be distributed into the hands of a terrorist network. Those vials can make their way back and do untold harm to free citizens in the world. He has ability to disperse tons

of anthrax. Two envelopes directed at this very Senate Chamber, which were never opened, resulted in tragic loss of life by postal workers and others. That was just two little envelopes, not vials, not tons, which he possesses.

These are the threats that concern me. Time is not on our side. It is on Saddam Hussein's side. So I welcome the debate, if it is to come, and I hope those questions which I have posed today can be answered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TAX CUTS ARE NOT THE PROBLEM

Mr. BENNETT. Mr. President, throughout the day today there has been a lot of discussion of the President's State of the Union Message. I was interested in the comment that was in the press this morning that said the President gave two speeches.

The first one has been virtually forgotten. The first one was on our domestic issues, on our economy, on what we need to do to deal with some of our problems at home. I think the Senator from Virginia has appropriately and properly addressed the question of the second speech which had to do with Iraq, but since much of the rhetoric we have heard today has had to do with the deficit and attacks on the President's first speech, I will take a few minutes to go back to that first speech, that forgotten speech, the first half of the President's statement on the state of the Union, and talk about some economic impact of what would happen if we were to do what the President wanted us to do.

From the rhetoric we have heard today, all of our problems stem from one thing and one thing only, and that is the tax cut that passed very strongly in this Chamber and in the other body when the Presidency of George W. Bush began. If we had only not passed that tax cut, we would not have a deficit. If we had only not passed that tax cut, we would have enough money to fund everything. If we had only not passed that tax cut, somehow Medicare would be taken care of as far as the eye can see and Social Security would be secure forever. Everything stems from that terrible tax cut.

I remind us once again of a few fairly basic, fundamental truths.

We can choose, at least for a time, what level of expenditures we will have in the Federal Government. We can get carried away with our ability to make pledges for expenditures, and we can set the level wherever we want. We cannot choose, by legislative fiat, the level of revenue that will come to pay for that level of expenditure, because the level of revenue goes up and down as the economy prospers or falters.

I have seen examples of countries in Africa that laid out a budget of expenditures that was absolutely marvelous in all of the benefits that would come from their government spending on

this and that and the other thing. Anything that anybody wanted, the government promised to take care of them. But they discovered the fundamental truth I have just stated: They could set the level of expenditures pretty much where they wanted, but with their economy not producing any money their level of taxation came nowhere near the level of expenditure. We must ask ourselves, what is going to happen to the economy if the proposal that the President's tax cut be repealed should pass? That question was put to Alan Greenspan, the chairman of the Federal Reserve Board, and he answered in a way that requires a little careful attention, because some people picked up on his answer and said: Aha, Greenspan has said there will be no economic impact if the tax cuts are repealed.

This is what he actually said—I do not have his exact words to quote, but in effect he said the markets have already assumed the tax cut will stay and indeed will be made permanent. Therefore, there is no further stimulus to come out of these tax cuts.

So everybody says the tax cuts were not stimulative. However, he went on to say—and this paragraph they do not quote—if they were now repealed, the markets would react negatively. Having made the assumption that they will be permanent, the market would react negatively and the economy would be hurt.

I raise that bit of history because I ask this rhetorical question: If the market has already assumed the tax cuts and acted favorably and positively to that assumption, what would happen if those tax cuts were not repealed, as some people in this Chamber charge, but were produced more rapidly, accelerated, rather than repealed? I think the market would respond positively. Say our first assumption that says they are going to remain permanent is not only proven valid by this but we will have the permanence come more rapidly than we thought.

If the markets as a whole respond positively, if the economy as a whole responds positively, what does that do to tax revenue? It increases tax revenue so we can begin to have enough dollars to deal with the challenges of the expenditure side.

I am a member of the Appropriations Committee. I remember attending the conference on the final appropriations bill—not this year because this year we did not get one until the new Congress convened; we did not have a final conference at the end of the last Congress. It was the final conference the year before where Senator STEVENS came in and said this is the number that we have all agreed on for total appropriations and expenditures. It was substantially higher than the number where we began. He laid it on the table and said: This is the number. Even though it is significantly higher than we thought we would have and expenditures more than we thought, this is

where we will be. Mr. OBEY, the ranking member on the House side, said that number is not high enough.

The number was a very significant increase over the previous year, substantially more than the growth in the population, substantially more than any inflation, but that became the number. We finally passed it this way in order to get out, and then we started the next year.

At that period, Democrats were in charge of this Chamber and the spending went up significantly from that number. That is the new baseline. We have seen in this Congress attempts made to take that baseline even higher.

The most significant thing the President had to say about our long-term economic health in last night's speech had nothing to do with the tax proposals. The most significant thing he had to say is: My budget will hold the spending increase to 4 percent. If we can hold the spending increase to 4 percent after years of 7 percent and 9 percent, one on top of the other, to establish a very high baseline for further increases, it will be something of a miracle. But it will be far more important than all of the other rhetoric we have heard on the tax side. If we can't get the spending under control, we cannot under any circumstances raise the taxes to cover it. That is a fundamental truth that we should remember over and over again.

In concluding, I repeat something I have said here many times, but I have discovered in the Senate there is no such thing as reputation. Everything is said as if it is brand new. But it is a fundamental truth we should understand over and over again. Money does not come from the budget. Money does not come from legislation. Money comes into the Government from the productivity of the American economy. If we can make the economy strong, if we can make the economy grow, we will have the tax dollars that we need to pay for our expenditures. If we ignore the health of the economy and then get carried away with our desire to increase our expenditures, we will end up in fulfillment of the dire predictions we are hearing. That is not what the President is proposing, but what some of his opponents are proposing. I think the President was responsible in his first speech last night on the domestic economy. We ought to pay attention and act accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

TERRORISM

Mr. GREGG. Mr. President, I rise to continue the discussion which was obviously laid forth last night in definitively strong terms by the President of the United States on the issue of our national defense and how we address the terrorism and the linkage between terrorism and the Iraqi situation. The

response to the President has been interesting. From some of my colleagues on the other side of the aisle, and others, it has been said that the President is too bellicose. In fact, I understand today that Senator KENNEDY will bring forth a resolution which will essentially say that. Certainly we have heard from Members of the self-proclaimed peace movement, that is the case.

However, the President made a strong statement of facts that we as a nation are at risk. It is ironic that the Members who may subscribe to this self-proclaimed peace movement which might better be defined as an appeasement movement, that they appear to ignore the fact we are already at war. Approximately 3,000 people died in New York; hundreds died here in Washington; over 100 died on a plane in Pennsylvania; men were killed on a ship, the USS *Cole*, a U.S. military ship, in Yemen; Americans were killed at two embassies in Africa. We are at war.

The representation that we should not fight that war with all our resources and all our capabilities is, I believe, inappropriate.

How do you link Iraq into this war? If this were a period of the 19th century or even large portions of the 20th century, you would not worry about Iraq. You probably would not even worry about al-Qaida. They would be, in the case of Iraq, a government of a petty despot; in the case of al-Qaida, a group of Iraqi murderers. The difference today is that this petty despot and these petty murderers have in their possession or may gain the possession of weapons which can kill not hundreds but can kill tens of thousands of people, weapons which would be used, undoubtedly, against Americans. They intend America harm.

They have shown that in their attacks to date where Americans have died. The President, as our Commander in Chief and the leader of our Nation and the leader of the free world, is unquestionably correct in pursuing the individuals who possess those weapons and who might use them or the individuals who might seek those weapons and use them across the globe.

There is absolutely no question but that Iraq possesses weapons of mass destruction, biological and chemical, and that it has an intention to obtain nuclear weapons. There is also virtually no question, at least among anyone willing to look at the facts, that Iraq is in communication with our enemies in al-Qaida.

The idea we should subjugate our national security to others is also one that I find inherently difficult to defend. Paris was not attacked. Berlin was not attacked. New York City was attacked. It is our national security, America's national security, that is at risk.

The President has made it abundantly clear that his purpose is to defend the homeland. He has every

right—in fact, he has every obligation—to do that and to accomplish it. I believe he has laid out a case that, year in and year out, the Iraqi Government, led by a despot of inordinate inhumanity, who has killed thousands, who has used weapons of mass destruction, who has used gas on his own people, who has tortured, raped, and murdered his opposition—that that Government represents an imminent threat to us as a nation and to our allies. Until that Government disarms, it remains such a threat.

We have sought to disarm Iraq for 12 years through a process of inspections guided by the United Nations resolutions. At every turn, Iraq has essentially gamed the process and has retained its capacity to kill while denying that it has such capacity.

At every turn, it has obfuscated and attempted to subvert the efforts of the inspectors, denying them access, just in the most recent weeks, to legitimate needs that they have as inspectors, of overflights, of access to the scientists who produce the weapons of mass destruction, of accurate accounting of where the weapons are that we know are in existence, where the anthrax is, where the VX gas is, where the delivery systems are for those weapons.

There was another period in history when we confronted a time such as this, and that was in the late 1930s to the run-up to World War II. During that period, once again people of good intention said: Give Adolf Hitler a chance. Give him the benefit of the doubt. Appease him. Try to work with him. Neville Chamberlain, in his famous flight to Munich, attempted to accomplish that.

But with people such as Adolf Hitler, with people such as Saddam Hussein, you do not reason in a Western, rational way; you do not reach accommodations, because their purpose is not to accommodate; their purpose is to use their power aggressively and in a manner which will harm the people we consider our allies, and which may harm ourselves, our Nation.

So it is naive of us to presume we are going to succeed here if we follow such a course. We should look to history to confirm that naivete. The President has outlined a definitive purpose for our Nation and for the world. It is that we protect the rights of free nations to defend themselves from despots who have weapons of mass destruction and terrorists who would use such weapons to kill thousands of innocent people. We have that right. His words that “the liberty we prize is not America's gift to the world but is God's gift to humanity” ring with incredible accuracy and truth. We, as a nation have an obligation to protect that liberty.

Hopefully, working with the United Nations, we will be able to develop the coalitions necessary to accomplish that. It would still be appropriate to do it in a peaceful way. But that is not our call. We do not have the offense on that issue. Saddam Hussein's govern-

ment has the offense on that issue. If they wish to proceed in a peaceful way to disarm, that course is sitting there for them. But they have shown no inclination to do that. In fact, just the opposite has been the course they have decided to pursue—one of obfuscation, one of deceit, one of continued commitment to possess and potentially use these weapons which kill thousands of people, innocent people, weapons which they have used in the past.

When the President calls our Nation together and asks us as a society to join to protect ourselves and to protect the liberty which God has gifted to humanity, I believe we have an obligation to follow and to respect that call. This Congress has voted twice, once under President Clinton and once under President Bush, to empower the President to use the necessary force, to take the necessary action to protect our Nation and to protect the liberty of the world. This President has stepped up to that charge. If he had failed to step up to that charge, he would not be doing his job as Commander in Chief and as President. I believe this Congress has an equal obligation to step up to that charge.

I hope as we move down this road, we will move united and recognize that this is a time when it falls on all of us to support the defense of freedom and liberty as defined by the President in his extraordinary speech last night.

Madam President, I reserve the remainder of our time, yield the floor, and make a point of order that a quorum is not present.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE STATE OF THE UNION SPEECH

Mr. CORZINE. Madam President, I will speak a little bit on part of the main topic the President talked about last night, where we heard President Bush eloquently address America's challenging agenda—an agenda of war and peace, of health care, and the American economy.

In fact, as it relates to the economy, he said our first goal is clear, that we must have an economy that grows fast enough to employ every man and woman who seeks a job. He suggested that we work to have a prosperity that is broadly shared. I am certain his rhetoric resonated well with the American people. It sounds good.

Today, I want to talk not about the rhetoric of the President's address but of the reality of the policies that have both been implemented and the purposes and possibilities of the policies he has laid on the table, which he suggests would turn our economy around and meet those lofty objectives.

Let me be clear in my own view. There is a huge gap between the rhetoric and the reality of the President's economic stewardship and certainly with respect to the policies and proposals laid on the table. Let me begin by saying I am glad the President seems to finally recognize that our economy has problems. You will recall that the Vice President, only 2 weeks ago, was arguing at the National Press Club and at the Chamber of Commerce that the President's economic policies were succeeding.

In this particular case, we will take the President's analysis because I think there is a need to get job growth and economic momentum back into our economy. I am afraid he really doesn't appreciate the depth of the problems we have in our overall economy and the compelling need to take effective and strong action now.

Since March 2001, 2.4 million Americans have lost their private sector jobs. That is a lot of folks. The unemployment rate stands at 6 percent, which is the highest it has been in 8 years. Mortgage foreclosures are at record highs. The stock market has declined dramatically in the past 2 years, losing about \$5 trillion in value—a significant amount of value. Consumer confidence has been seriously undermined. In fact, yesterday we had an announcement that the consumer confidence level is at its lowest in 9 years. By the way, that is lower than in the 2 months that followed September 11. Demand has declined to such an extent in American business that businesses are operating at about 75 percent of operating capacity—well below the mid-1980s, which is on average. We have had 2 years of declining business investment. Our current account deficit is exploding—it is at record highs—and our Federal deficit is growing, with little improvement in sight for years.

I think all of us know that as recently as 2 years ago, we were talking about projections of a \$5.5 trillion surplus for America. Today, projections over the next decade have us anywhere from \$2.5 trillion to \$3 trillion in deficits. I think we have some serious issues today. CBO announced they project a \$200 billion deficit for this current fiscal year, and that is before tax cuts and any changes; and those estimates are based on our activities in the Middle East and a war on Iraq.

I could go on. But, in short, we have serious economic problems and we need a serious and effective economic stimulus program, something that will really deal with the soaring rhetoric the President talked about to make sure every man and woman who seeks a job can have one and make sure prosperity is broadly shared in the American economy.

I don't think the prescriptions on the table do the job, frankly. I will try to talk about it in specifics. In many ways, I think some of the President's suggestions are actually antigrowth. The President's rhetoric would lead

one to think his plan would provide a stimulus. But the reality is very different. Look at some of the facts. Only \$36 billion of the plan's \$675 billion in total tax cuts would kick in this year. By the way, that \$675 billion—if you add the interest, it would be \$950 billion in the decade, and if you take the acceleration of the tax cuts that the President also has proposed, the cost to the Federal Treasury would be about \$1.5 trillion—a relatively serious amount of money.

The \$36 billion the President is targeting for fiscal year 2003 is a mere drop in the bucket. It is not even half of 1 percent of GDP. I do not read anywhere or hear in broad discussions from the Congress that this is going to do much of anything with regard to stimulating growth today and creating jobs today. The right and the left—it is almost universal—talk about growth packages as opposed to stimulus packages because it is such an insignificant amount of input into the current economy.

In fact, the President's plan, in my view, actually could do real harm in the short run. Its proposed dividend exclusion will encourage corporations to do something that is negative with regard to growing the economy. It will shift cash off the corporate balance sheet, away from investments, away from employment into dividend payments. It may be nice for the people who receive it, the very narrow segment of folks who actually will receive dividend payments, but it reduces the capacity of business to do anything.

Taking cash off the balance sheet is the opposite of what we want to be doing if we are trying to stimulate the economy. Accelerated depreciation puts cash on the balance sheets. It lets business retain value of cash. It is hard for me to understand why anyone thinks that is a stimulus program. In fact, as I suggest, it may actually be antigrowth.

We cannot spend a dollar twice, so for each dollar distributed as dividends, companies will have one less dollar to invest in plant and equipment, one less dollar to plow into research and development, one less dollar to hire or retain personnel. The end result will be lower investment and fewer jobs in the short run.

By the way, it takes a long time for those dividends to work their way back into the job growth and economic expansion that all of us would like to see.

Another point I believe is very important within the context of the view that this proposal is antigrowth, the President's plan does absolutely nothing to help our State and local governments which are suffering severe fiscal crises throughout our country. The estimates are that it is a cumulative \$90 billion deficit for States. That is before the local governments. That is much larger than that \$36 billion we are going to put into the economy.

Back home, our State governments are raising taxes and cutting services

\$90 billion while we are putting \$36 billion into the economy. I do not see how that relates to stimulating growth, and it fits pretty clearly into a commonsensical analysis to say we are not on the right track to get this economy moving again.

New York City, New Jersey's neighbor, is having to raise property taxes 18 percent. In my State, property taxes have been raised 7 percent. Everywhere I go across the country, State and local governments are raising property taxes to offset those very actions we are trying to take to stimulate the economy in Washington.

I do not understand why we are not thinking about this in a more holistic and comprehensive approach. These cuts in services and rises in taxes are going to create more economic problems and lead to almost an antigrowth policy if we implement it as it now stands. The Federal Government needs to be a partner in this process.

By the way, in the long run, there are even more serious problems if there is no help to the States. Dividend exclusion is actually going to create an investment instrument that will compete with how State and local governments borrow in the tax-exempt market. It is going to increase the borrowing costs, that is at the same time we are laying down new mandates with regard to homeland security and education—Leave No Child Behind—where we are underfunding the mandates we promised we would bring to bear, and I think we are putting our State and local communities in a financial vise that is actually going to offset a lot of what we are trying to accomplish in Washington, regardless of how one feels about specific elements of the program.

All these reasons—the very small amount of stimulus for 2003, its incentives to take cash off the balance sheets, which is incomprehensible, in my view, and its failure to help States—make this plan one that is failed on arrival, even if it is not dead on arrival, and I certainly believe it is misguided. Again, the President's rhetoric sounds good. We are all for making sure every man and woman has a job, but I think the reality of the program is substantially different and should be evaluated accordingly.

Let's take a look at another part of the rhetoric of the speech last night: The claim that somehow this plan would benefit ordinary middle-class families and create a broad-based prosperity. I feel strongly that it is not particularly an effective macroeconomic stimulus program, but I think there is a big gap in rhetoric and reality with regard to where the money goes.

We talk about averages as opposed to means. There is a general agreement among economists that people with low or moderate incomes are more likely to spend; they have a higher propensity of consumption for tax cuts than people with higher incomes. This is a matter of general economic policy.

Any stimulus plan ought to focus—if you are really trying to stimulate the economy—largely on tax cuts for middle- and lower-income families. The Bush plan does exactly the opposite. Over the next 10 years, those with annual incomes of more than \$1 million will get a tax break worth almost \$90,000 a year. That is \$900,000 over 10 years. Yet some middle-class families with incomes—by the way, middle class in New Jersey might very well fall into this category—\$75,000 to \$100,000 would get only about 2 percent of that tax break, about \$1,800 annually or \$18,000 over the 10 years. Consider people making between \$30,000 and \$40,000, which is closer to the \$27,000 median income for the U.S. as a whole, and that would be \$350 from the Bush plan.

We are looking at different segments of income earners and seeing what this actually means, and that is about four-tenths of 1 percent of the benefits going to \$1 million earners. It certainly does not jibe with trying to put the stimulus into the pockets of people who will turn around and spend it to stimulate the economy.

This is a hard sell. Consider the 25 million taxpayers who reported adjusted gross income of less than \$10,000. These are people worrying how they are going to put food on the table. They are 20 percent of all taxpayers, if you consider payroll taxes. What will they get? They will get a grand total of \$5 a year. Let's review: \$90,000 a year for people over \$1 million, \$1,800 for those with incomes of between \$75,000 and \$100,000, \$350 for those with incomes between \$30,000 and \$40,000, and \$5 a year for 20 percent of taxpayers below \$10,000 adjusted gross income. I don't know, it does not sound to me we are going to put money in the hands of people who will spend it.

This is not class warfare, it is how we are going to get an effective, efficient stimulus program; how do we get this turned around so the economy is growing. Businesses are taking inventories off the shelf and restarting their businesses to restimulate those inventory growths. We need to go back to the principle of the President, which is we want to promote prosperity for all Americans, and to do that, we ought to make sure that a program works.

I am not against people doing well in our economy. As a matter of fact, we made more millionaires in the 1990s with an entirely different proposal with regard to taxes and structure with regard to taxes than at any time in the history of America. Rising tides do lift all boats, and I think it is important that when we are thinking about our tax policy, we talk about how do we grow the total economy.

I think this program is focused in an upside down way completely ignoring payroll taxes, State, local, sales and property taxes, and the distribution of all of those taxes together on all these individuals, and we are getting too much of it going in one particular area.

The next type of Presidential rhetoric I want to address is in the admin-

istration's claim that the President's plan benefits seniors. The reality is very different. There are 37 million seniors. I think most people would agree with that number. Yet only about one-fourth of them, less than 10 million, receive dividends, according to the President. So 75 percent, or 27 million, of America's seniors will get absolutely nothing from the President's dividend exclusion.

Moreover, only a small fraction of the wealthiest seniors would enjoy most of the benefits. Nearly 40 percent of the dividend tax cut for seniors would flow to those filers with incomes exceeding \$200,000. That may be a high concentration of seniors in a lot of States, but I do not know too many seniors in New Jersey, 65 years and older, who have \$200,000 incomes.

That is a mere 2.5 percent of the tax returns filed by senior citizens. They get 40 percent of that so-called 10 million seniors benefiting from the dividend exclusion. It is less than 500,000 of the 37 million seniors that we are talking about. It can be cut and sliced in other ways, but we are talking about a very narrow segment of seniors in America getting the benefit from the dividend exclusion.

It is great rhetoric to claim that seniors will benefit, but the reality is it is a very small number relative to those who are doing well and have a great deal of wealth.

More fundamentally, the truth is this plan will dramatically increase Federal deficits in the long term, and the problem with that is, how are we going to continue to sustain our Social Security programs and our Medicare programs if we are running serious deficits and they are going to explode as the baby boomers retire in the outyears. So if one wants to put all of these programs together, as we talk about seniors, I think we have a real gap between the rhetoric and the reality of who is going to benefit and how this is going to benefit our economy.

I have some other examples with regard to small business. With most of the numbers we hear talked about, the rhetoric does not match the reality. I think there are a whole series of flaws with regard to that. I would love to see us go back on a bipartisan basis and talk about an immediate, temporary and substantial stimulus program more fairly distributed across the breadth of America, as suggested in the President's opening remarks last night as he talked about the economy. I think we could all benefit.

If there is growth in the economy, our deficits will be reduced. We will have greater resources to take care of the needs in this Nation. It is hard to understand, at a time when we are talking about going to war, when we are trying to ask people to sacrifice, that we have such an economic program so focused on those already doing well and doing so little to stimulate the economy. If one reviews almost all of the economic literature and com-

mentary, a lot of it from business, they will find many of the views are that this program has grave weaknesses as far as the stimulus program and needs to be rethought. I hope we can stand back, work together, make a serious effort to come together to produce an effective, efficient, bang-for-your-buck stimulus program, and get on with meeting those high-minded objectives that were part of the rhetoric.

The quality of life for millions of Americans depends on our success and being able to come up with that integrated, cooperative, and bipartisan approach. There are a number of great ideas on the table. I hope we can sit down and work together to make that happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, it is my understanding I have until 4 o'clock to speak. Therefore, if I need a unanimous consent request for that I will propound it at this time. If I do not, I will simply proceed.

The PRESIDING OFFICER. The Senator has the right until 4 o'clock.

THE STATE OF THE UNION

Mr. KYL. Madam President, I will speak about the President's proposals articulated last night in his State of the Union speech to ensure job creation and economic growth for the United States for the benefit of all American families, and for our future.

I note with interest some of the comments my colleagues have uttered. I will respond to some of those before I get into what the President said last night.

I noted that the Senator from New Jersey and other colleagues have been very quick to criticize the President, but I have heard absolutely no proposals emanating from that side of the aisle that offer an alternative to what the President has proposed. There is an old phrase that you cannot beat something with nothing, and I think that is true here. If they have a better plan, then I would like to see it. If they understand better than President Bush and his economic advisers how to ensure and sustain long-term growth in this economy, how to provide more jobs for American families, how to better protect the investments of our senior citizens and the like, then let us see those proposals.

It is easy to stand on the sidelines and criticize, but it is not as easy to present good, solid information and be willing to defend it. I am ready to defend what the President has proposed, and I would like to see those who have been critical come up with some ideas of their own rather than rhetoric.

Most of the people who have been critical of the President, especially if they are Members of the Senate, begin that criticism by noting the President's proposal, in their view, will increase the deficit and they regard this

as a most serious sin. Virtually every one of these critics voted last week for \$502 billion more in new spending for the fiscal year 2003 by virtue of supporting amendments that were offered to the fiscal year 2003 omnibus appropriations bill. They cannot have it both ways. They cannot argue on the one hand they are very concerned about deficits, about not having a balanced budget, and on the other hand vote over and over again last week to increase spending above what the President has proposed, above what the Appropriations Committee has proposed on the floor, by over a half of a trillion dollars in 1 year. Compound that spending over time and, of course, the growth is exponential.

The bottom line is the critics of the President's plan, A, need to come up with a plan of their own if they are going to be credible and, B, if they are going to be credible about concern over the deficit then they should recant the votes they cast last week over and over again for over half of a trillion dollars in new spending above what the appropriations bill called for and that we all supported.

Let's look at the specific criticisms they make. I note that almost all of them say the President needed to pay more attention to the needs of States. This is a curious argument. It is true that almost all States are suffering from lack of finances to serve the needs of the people of the States. That is true in my State as it is in other States.

There are a lot of reasons for that. First of all, the Federal Government imposes some unfunded mandates. That is not fair or right. The Federal Government should make up for those, but that does not explain the whole problem. The problem of State and local governments is essentially the same problem the U.S. Government faces: Namely, the economy is not as robust as it should be, as we would like it to be, as we hoped it would be. Therefore, it is producing less in the way of tax revenues.

In the case of the United States Government, we can relatively easily go into debt. States cannot do that. As the distinguished Presiding Officer knows from her experience in State government, you have to pay as you go in State government. So they are hurting because the economy is not as strong. People are not making as much money, and the States are not collecting as much in tax revenues as they had projected. So they are in a deficit situation.

What do we do about that? What is the Federal Government expected to do about it? Should the Federal Government tax American citizens even more, bring the money back to Washington and then write 50 checks to the States and send it back? How would that help the people who have just had the Federal Government take their tax dollars, then write a check back to the States? I do not see the logic of that.

States can raise their own taxes. If raising taxes is the answer, they all

have the capability of raising taxes much more quickly than the Federal Government does, and of collecting that tax revenue because they can do it in sales taxes so that the effect is immediate. They do not need to wait for a whole year for income tax collections, which is the Federal Government's means of financing to catch up with revenue needs.

I found it interesting that the Senator from New Jersey said the President's plan ignored sales taxes and property taxes. Rightly so. Those are taxes traditionally left to the States to fund needs of State governments—not the Federal Government. Woe be to the Senate and the House of Representatives if we begin collecting sales taxes and property taxes as a means of financing the Federal Government. Woe be to us. That is not right.

States and local governments can raise those taxes if they want. The reality is most of them are not going to do it. They understand, as most of us understand, that taxing people more does not make them better off. It does not help to collect taxes at the State and local level and provide benefits to the very same people who paid the taxes.

What does make sense? What has always made sense in the past? If the economy grows, it will create jobs, it will produce more wealth for American families and, at the same time, more tax collections to the governmental entities that collect taxes.

The Federal Government's problems are primarily a result of a sluggish economy. It was pointed out yesterday in the confirmation of the President's nominee for Treasury Secretary that just a 1-percent difference in growth in our economy from 3 percent to 4 percent means—I hope this figure is correct—\$8 trillion over a 10-year period. That is a lot of money. It illustrates the fact that very small measures of growth differential can mean a great deal in tax collections for both the Federal Government and the State government.

If we can encourage economic growth on a sustained, long-term basis, we will not have to worry about balancing budgets or about deficits or the financial straits our States are in. A healthy economy not only helps families but it also helps the State and local governments and the Federal Government collect the necessary tax revenues to provide services.

Therefore, when critics—such as Governors—say the President ignored the States, I guess I put the challenge back to them: Do you think the Federal Government should raise taxes from your citizens so you can give it back to them? If so, why don't you raise the taxes?

Tax increases are not the answer. Almost all would agree that a robust economy is the answer. How do we get to a robust economy? The Senator from New Jersey is correct that there is not that much economic stimulus in

this current fiscal year in the President's proposal. He identified about \$34 billion worth. I cannot contest that figure. It may well be correct; I don't know. In any event, it was \$34 billion more than the Democrats proposed because they did not pass a budget for fiscal year 2003, provided no tax relief for fiscal year 2003, provided no way to stimulate the economy, provide economic growth or job creation.

It was the Democratic Party that was in control of this body last year. I guess it could be fair to say that \$34 billion is not enough, but it certainly beats what the Democratic leadership was able to produce last year, which was exactly nothing.

Is the answer a stimulus? It is hubris in the first degree to suggest that the Congress—in fact, the Government—can really affect a multitrillion-dollar economy very much in a rapid way by the policies we institute here. We can do far more to help the economy, as Alan Greenspan has said, by curbing our appetite to spend taxpayer money than almost anything else we do. Yet my Democratic friends last week were willing to spend over half a trillion more than the appropriations bill provided and that the President had requested. I don't think they are in a very good position to argue about the proper prescription here for economic growth.

The reality is the best way to promote economic growth is to reduce the tax burden of American businesses, small businesses, and American families. That is what President Bush has attempted to do in the proposal he has made. Does he pretend that in 1 year we can turn everything around? No. As he said last night, if the tax relief we passed a year and a half ago, which was phased in over time, is good in 5 years, 6 years, 7 years, why is it not even better to make it effective now? If my friends on the other side of the aisle are so concerned about doing something now to stimulate the economy, then I challenge them, let's make the tax reductions we passed a year and a half ago, that were phased in over a 10-year period of time, effective now. That would do a lot of good. It goes up and down the entire spectrum of American taxpayers, from those who are the wealthiest all the way down to those who are the least wealthy.

Interestingly enough, those small businesses that create most of the jobs in this country—and we are very interested in job creation—would benefit significantly because they are organized under our laws to pay taxes at individual tax rates. For the most part, their tax rate is higher than the corporate tax rate. So the small businesses we are trying to encourage are paying a higher rate of taxes than the big corporations. I ask, is that fair? Is it a way to stimulate job creation, given they provide more of the jobs in the country than the large corporations?

Let's look at the President's program in more detail. Some on the other side

of the aisle have been very critical of the dividend section of the President's proposal, the part that says it is fair to tax dividends once when the corporation makes the profit but it is not fair to turn around and tax the dividends a second time when they are paid to the shareholder. It is a matter of basic equity and fairness and makes common sense.

But there are some who say, for some reason or other, that is not a good idea. One of the arguments is that eliminating the double taxation of dividends gives money to shareholders. As my friend from New Jersey said a moment ago, that may be nice for the folks who receive it—meaning the deduction for dividends paid by corporations—but does it do much to help the economy?

Let's break that into two parts. It is nice for the people who receive those dividends. Now, over half of the adults in America are investors in equities. Half of Americans are stockholders. A large number of those will receive a benefit by not having their dividends taxed when the corporations pay the dividends to them.

The President's object is not to provide for consumer spending. It is not to increase consumer spending. That is not the problem with our economy now, but to increase capital formation, which is the problem. For confirmation of that, the White House has provided some information comparing personal consumption expenditures with private investment. The top line, which is personal expenditures, is going up from \$6 trillion to \$7 trillion in just over a 3-year period. Consumer spending is not the problem. The problem is this squiggly line down here, capital formation, gross private investment. Gross private investment has actually decreased from just after the year 2000, from \$1.8 trillion to currently \$1.6 trillion. The problem is the need to enhance investment, not to deal with personal spending.

The dividends being taxed today are not going into reinvestment, into business. But the President's proposal is to encourage this reinvestment by eliminating the double taxation of dividends. This attracts billions of dollars of new investment to the economy since increasing the aftertax returns to capital will make new investments sufficiently profitable to be undertaken. Reducing the tax on dividends should raise share prices by many times the amount of additional annual dividend payments. The more real earnings a company has, the more willing the managers are to pay dividends and the more the share prices increase—prosperity for everyone.

Moreover, what is lost on some critics: To eliminate double taxation, this harmonizes tax treatment of debt and equity. We have been too favorable to debt creation in the corporations, so some major corporations have gone into bankruptcy because they created so much debt. As soon as we had a downturn in the economy, they could

not handle the repayment of all that debt. We ought to promote less debt capitalization of businesses and more equity capital.

Harmonizing the tax treatment of debt and equity removes the current tax preference for financing business expansions with debt. Debt is more risky because, while dividends can be reduced or eliminated during difficult economic times, companies that finance with debt must continue to pay the interest regardless of the economy. That is what leads to the bankruptcies.

In addition, eliminating this double taxation of dividends will encourage better corporate behavior. We certainly understand the need for that, given some of the shenanigans that occurred during the last few years. Companies that pay dividends must have real cash earnings rather than possibly doctored paper earnings—which was the case with some corporations over the last few years.

It will help create new jobs. The main beneficiaries of the increased investment activity will be the workers who are employed to use the additional capital and the consumers who get to enjoy the cheaper products and services that it makes possible.

I mentioned that it is simply unfair to tax the same income twice. We sometimes forget that basic argument when we are talking about all the good reasons to eliminate the double taxation of dividends, but in practice I think we all appreciate that double taxation of dividends means that even an investor of modest means is paying a higher tax rate on dividends that wealthy taxpayers pay on their income.

What about this distribution of benefits? Roughly 35 million American households receive dividend income that is taxable, and will directly benefit under the President's plan. So this is not something that just benefits a few—35 million American households receive dividend income that is taxable and will directly benefit as a result of the President's plan.

Almost half of all savings from the dividend exclusion under the President's plan would go to taxpayers 65 years and older. The average tax savings for the 9.8 million seniors receiving dividends would be \$936. To the argument that this dividend savings only goes to a very few, the point here is that the average will be almost \$1,000 per senior receiving the tax break on the dividends.

It seems to me it is very difficult to argue that eliminating this double taxation of dividends is bad for seniors, bad for shareholders, or bad for the economy.

Let's talk about the other aspect of the plan, though, the major piece of the plan that the President spoke to last night and that is the benefit of accelerating the marginal rate reductions.

What do we mean here? We are talking about the income taxes that we

pay. Depending upon which bracket you are in, you pay a higher percentage of your income in taxes. We decided a year and a half ago to reduce those rates but we couldn't get the votes to reduce them all immediately, so we phased them in over time. We phased those reductions in over a 10-year period of time.

Last night the President said, look, if it was a good idea to reduce the tax rate 6, 7, 8 years from now, why isn't it an even better idea to do it right now?

I ask that question of my colleagues who oppose this. Why is it not a better idea to do it right now?

Some of them might say that will cost the Federal Treasury money. My response to that is, Why did you vote for an additional \$502 billion in spending? That also takes money out of the Federal Treasury.

Let's just talk about this marginal rate reduction in terms of economic growth potential. This is where the economic growth really occurs, because reducing marginal tax rates provides an ongoing incentive for all taxpayers to work harder and longer, which is what creates the increased economic activity that we seek. It also creates additional income which can be taxed, so Government ends up making more money in the long run. Most importantly, it allows taxpayers to keep more of their own money, which they can use to invest or spend or save as they choose.

When we talk about savings, we are really talking about investing. So regardless of how this money is used, it will benefit economic growth. If you save it, you put it in a bank and the bank immediately turns that money around, loaning it to others, and that will put the money to use creating more jobs. If you spend it, it is going to eventually find its way back into the capital market and help create jobs. Of course if you invest it, that is the most efficient way of all to provide capitalization to companies to hire new people and produce new things.

I spoke before about small businesses and the benefit of the President's tax plan for small businesses. Reducing the top rate primarily helps these small businesses. The current top individual rate is 38.6 percent. That is the rate at which most small businesses are charged. The top corporate rate is 35 percent. So the small businesses are paying over 3.5 percent more in their income tax rate than the big corporation. Accelerating these rate reductions to the year 2003 will harmonize the small business income tax rate with the corporate rate. That is fair. It is equitable. It is the right thing to do, and it will stimulate economic investment and job creation because, as I said before, it is small businesses that create most of the jobs.

The small businesses would receive about 79 percent, which represents over \$10 billion, of the \$13.3 billion in tax relief that comes from accelerating the reduction of the top bracket to 35 percent in the year 2003, as opposed to the

year 2006. That is why the President said let's bring that reduction forward 3 years and provide this benefit immediately.

There is another benefit for small business that has not been talked about much. The President's proposal would increase from \$25,000 to \$75,000 the amount that small businesses may expense each year, that is to say that they can write off in their income taxes. There is broad bipartisan agreement that allowing small businesses to expense a larger amount of their investment in equipment will provide a strong incentive for small business to expand. As I said, these are the businesses that provide most of the new jobs in our country.

Let me conclude by talking about this class warfare. The previous speaker said he didn't want to talk about class warfare but immediately got into the same argument about who benefits. He also acknowledged something that is very true. John Kennedy is famous for saying, back in 1963 when he was proposing a capital gains tax reduction and people pointed out that there were not very many people who had capital gains, President Kennedy said:

But a rising tide lifts all boats.

If some taxpayers benefit, in the long run all taxpayers benefit. That is an acknowledged principle of economics.

One ought not be asking why do you get a \$3,000 benefit from President Bush's tax proposal and I only get a \$1,500 benefit? But rather, they should say, I am glad I got the \$1,500 benefit and I am glad you got the \$3,000 benefit, because for all of it is going to make the economy healthier and in the long run it will make us all wealthier. That is the attitude, fortunately, most Americans have.

According to the IRS data from 2000, the top 5 percent of tax filers paid more than 50 percent of all income taxes, and the top half of all tax filers were responsible for nearly all of our taxes, 96 percent.

Who ends up paying a higher percentage or lower percentage after all of the Bush tax plan is put into effect? It turns out that the wealthier people end up paying an even higher percentage of taxes and the people in the lower brackets pay an even smaller percentage of taxes. So it does not help the wealthy at the expense of the poor. In fact, if you want to just measure it by that measure, the wealthy pay even more of the taxes than they do today.

If your income is over \$200,000, you are going to be paying 45.4 percent of all of the Federal income taxes. Currently, they pay 44.8 percent. So that is an increase in the amount of taxes that are going to be paid by people who make \$200,000 or more. If you are making above \$100,000 and less than \$200,000, you are going to be paying 27.9 percent of all Federal income taxes. Currently, you pay 27.6 percent—an increase.

Under the Bush plan, families with incomes of over \$100,000 would end up paying 73 percent of all Federal income taxes.

By the way, it takes 3.8 million low-income taxpayers off the tax rolls completely, the Bush plan does. So it is not even an effective rebuttal to say it benefits the rich at the expense of the poor.

I have gone through all the different arguments. We talked about where is the alternative. We talked about the benefits to the States. We talked about the benefits to families. I haven't even talked here about the child tax credit or the marriage penalty elimination. All of these features of the Bush plan are designed in one way or another to help different parts of our economy, different types of families in America, so at the end of the day everybody benefits.

It is possible to pick out one little segment of the tax cuts proposed by the President and say that does not benefit everybody. Of course. If you don't have any children, the child tax credit isn't going to help you. But for those families with children, it is going to help a lot. Same thing if you are two single people; ending the marriage penalty might not help you. If you are a married couple, you might get the benefit of that. But you put it all together and end up with a mosaic that provides not only help to all Americans but an economic long-term growth package that can sustain the kind of living we want in this country, while providing the kind of revenues to State and local governments as well as the Federal Government.

That is the philosophy of the Bush tax plan. It is a good philosophy, and I look forward to a robust debate with my colleagues who may disagree with portions of that plan. It is a very defensible plan, and I am proud to support what the President has proposed here.

I hope we will have plenty of opportunity to debate this in the near future so we can enact all of the President's proposal as soon as we possibly can for the benefit of the American economy but, more importantly, all American families.

EXTENSION OF MORNING BUSINESS

Mr. KYL. Madam President, I ask unanimous consent that morning business be extended until 6 p.m., with the time equally divided between the two leaders or their designees.

Mr. REID. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I understand the leader wants to go out at around 6 o'clock tonight. As far as the Democratic time is concerned, I would like 25 minutes allotted to Senator BYRD, who wishes to speak now, but during the remainder of the time, without any specific designation as to when it starts, I would ask unanimous consent that 20 minutes of our time be given to Senator KENNEDY, 7½ minutes to Senator SCHUMER, and 7½ minutes to Senator FEINSTEIN.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. KYL. I revise my unanimous consent request to incorporate what Senator REID has just requested.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. KYL. I thank the Chair.

Mr. REID. I appreciate the courtesy of my friend from Arizona.

Mr. BYRD. Madam President, has the able Senator from Arizona relinquished the floor?

Mr. KYL. I have indeed.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from West Virginia.

IRAQ

Mr. BYRD. Mr. President, President Bush last night warned the American people to brace for war with Iraq. In his State of the Union Address, he vowed that if Saddam Hussein does not disarm, the United States will "lead a coalition" to disarm him.

Although the President stopped short of a declaration of war, his message was clear: In his view, Saddam Hussein constitutes an imminent danger to peace and security in the world, and the United States is prepared to wage war, with or without the support of the United Nations, to remove him from power. The chain of events that President Bush set into motion last year when he inducted Iraq into what he called the "axis of evil" appears on the verge of spilling over into battle and bloodshed.

The President's remarks come amid a firestorm of protest from some of our closest allies in Europe and the Middle East over the apparent willingness of the United States to ride roughshod over the United Nations and dictate to the rest of the world the terms of Iraq's disarmament. The President in his State of the Union speech once again made clear that Iraq will be dealt with on his timetable, at his hands, according to his agenda.

Mr. President, I am fully cognizant of the danger presented by the possibility of chemical, biological, or nuclear weapons in the hands of a ruthless dictator like Saddam Hussein. I am fully cognizant of, and frustrated by, the fact that Iraq has consistently flouted the United Nations mandates to disarm, and has apparently shown only token cooperation with the current inspection regime. Iraq has much to answer for, and the President is correct in demanding that Iraq respond to the United Nations.

What concerns me greatly, however, is that this President appears to place himself above the international mandates of the United Nations. He has turned a deaf ear to the concerns of other nations and has vowed that the United States will lead an assault on Iraq regardless of the judgment of the United Nations. President Bush has

made the overthrow of Saddam Hussein a personal crusade, and in his zeal to pursue his goal, he has failed to make the case to the American people out there and to our allies abroad that the United Nations is dragging its feet, that war is the only option left, and that war cannot wait.

The President in his address alluded to tantalizing evidence that Saddam Hussein is in collusion with al-Qaida and that Iraq possesses weapons of mass destruction which it is hiding from the United Nations weapons inspectors. But the President has yet to present that evidence to the public or to demonstrate why it constitutes an immediate cause for war. If the evidence is as compelling as the President indicates it will be, surely the member states of the United Nations will close ranks behind the United States and demand the forcible disarmament of Iraq.

The President also set what appears to be a new deadline for the United Nations. On February 5, he said, the United States will ask the U.N. Security Council to convene to hear evidence of Iraq's illegal weapons programs and its links to terrorist groups. I look forward to learning the details of that meeting. I wonder why the President is holding back for another week if he has such information today, and perhaps has had it for some time. I am confident that the U.N. weapons inspectors would welcome such evidence, not next week but today, so that they could do their jobs more effectively. I wonder why the Senate has not been given this evidence. I wonder why the American people, who are being asked to send their sons and daughters, mothers and fathers, brothers and sisters into the battle zone, have not been made privy to this important evidence.

Perhaps the answer lies in the followup comment by the President, when he said: "We will consult, but let there be no misunderstanding. If Saddam Hussein does not fully disarm for the safety of our people, and for the peace of the world, we will lead a coalition to disarm him." Despite all his comments to the contrary, it appears that the President has predetermined that war with Iraq is the only recourse left.

If war is the answer, the support of the international community is essential. I believe that it would be a grave mistake for the United States to preempt the work of the United Nations weapons inspectors and initiate an invasion of Iraq without first seeking the express support of the Security Council. The United States is already seen by many as an aggressor in the Middle East. Speculation is rife in Europe that the United States is pressing to invade Iraq to give the U.S. control of the Iraqi oil fields. America's reputation in the court of world opinion is in tatters.

Unfortunately, the President's State of the Union speech did little to allay the worries of the American people or the international community. The President signaled to the world that

America is ready for war with Iraq, but he did not explain why Iraq suddenly presents such "a serious and mounting threat" to our country, our friends, and our allies that war is the only option. How is it that the threat from Iraq is more serious than the threat from North Korea? How is it that the threat from Iraq appears to have eclipsed the threat from al-Qaida to our own country and the threat from other terrorist organizations?

Nor did the President attempt to prepare the American people for the possible consequences of war with Iraq—the terrible toll on the lives on innocent Iraqis, the potential for hundreds or thousands of battlefield casualties of American service men and women, the sharply increased threat of terrorist attacks on America and its allies. The President promised that the overthrow of Saddam Hussein would liberate the people of Iraq, but he made no mention of what the American people could expect from a postwar Iraq. The President made no mention of the burden the United States would have to bear to ensure that a postwar Iraq did not devolve into chaos.

In his State of the Union Address last year, the President declared a global war on terror, and he called on all nations of the world to come together to combat the curse of terrorism. In his speech last night, the global war on terror got remarkably short shrift. "We are working closely with other nations," the President said. "We have the terrorists on the run."

Unfortunately, having terrorists on the run means that terrorists have escaped our dragnet and, according to intelligence assessments, are actively plotting new attacks on the United States and its allies. We still do not know the fate of Osama bin Laden. We may have him on the run, but we also fear that he continues to pose a real and imminent threat to the United States. And unlike Saddam Hussein, Osama bin Laden has demonstrated his willingness to attack American citizens at home and American interests abroad.

But instead of rallying the international community to the continued need to cooperate in fighting global terrorism, the President's policies and the President's rhetoric are polarizing the world.

Mr. President, I believe the Senate has a duty to speak to the issue of war with Iraq, and I believe that the United States has a duty under international law to work within the structure of the United Nations charter. If we indict Saddam Hussein on the grounds that he has failed to disarm in accordance with the United Nations resolutions, how then can we turn around and act against him without United Nations support? What signal does the United States send to the world regarding respect for international law? The United Nations is acting responsibly. Iraq, if not fully cooperating, is at least straitjacketed. America's allies are

calling on us to give the inspectors time to do their work. This is not the time for precipitous action on the part of the United States.

For these reasons, I am today introducing a resolution urging that the U.N. weapons inspectors be given sufficient time to complete their work and calling for the President to seek a United Nations resolution specifically authorizing the use of force before initiating any offensive military operation against Iraq.

Now, it may come to be that war is the only way to subdue the malevolence of Saddam Hussein. But that is not a decision for the United States to make unilaterally. President Bush, in November, galvanized the United Nations to act on the issue of Iraq. For that, the President is to be commended. Now he must follow through on his pledge to work with the United Nations. The United Nations has demonstrated in the past 2 months that it is willing to act responsibly and vigorously in addressing the issue of Iraq's disarmament. No one could accuse chief weapons inspector Hans Blix of sugar-coating his interim report to the U.N. Security Council on January 27. He made clear that Iraq is not adequately cooperating on matters of substance. He made clear his frustration with Iraq. But he did not slam the door on the possibility of disarming Iraq without resorting to war.

As long as that door remains open even a crack, as long as Iraq is not actively threatening its neighbors or the United States, as long as the United Nations can maintain a stranglehold on Saddam Hussein's ambitions, I believe that we have a duty to the American people to strive to find an alternative to war. If war it must be, then it should be a coordinated undertaking authorized by Congress and sanctioned by the member states of the United Nations—not a preemptive strike initiated by the President of the United States.

Mr. President, the consequences of war are incalculable. Before we take such a momentous step, before we place the lives of American military personnel and innocent civilians in harm's way, we should stop to reflect on the possible consequences, and we should redouble our efforts to find a peaceful solution to the disarmament of Iraq. If war is the only recourse, it must be a war endorsed and fully supported by the United Nations.

Mr. President, if it must be war, we may be lucky. I hope we will be. But we may not be lucky. I think of the words of Croesus, when he said to Cyrus the Great of Persia:

There is a wheel on which the affairs of men revolve and its movement forbids the same man to be always fortunate.

Mr. President, I shall have more to say as the days come and go on this matter that is so vital to the American people and to their futures and to the futures of our children and grandchildren and their children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have time.

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. President, I thank my friend from West Virginia for his eloquence once again this afternoon. When the history of our time is written, there will be many important chapters on the contributions the Senator from West Virginia has made, certainly for his State, but I also think there will be an important chapter that will be written about his contributions to our Constitution as the principal guardian of the Constitution in the Senate. He has done this on so many occasions. I have admired him so much for that effort and the extraordinary insight he has brought to all of us as a student of history.

All of us will remember very clearly the debates which were led by the Senator from West Virginia some 3 months ago on the issues of war and peace, and now once again, as we are coming to the most significant time, and that is the decision-making that will be made at the United Nations about whether we will continue with a course of inspections and whether we will try and galvanize the world community behind a common purpose, or whether we will go it alone. The Senator reminds us of the dangers of going it alone, of the unforeseen challenges we will be facing, and draws attention to the importance that this is a matter that is debated and discussed in the Senate; that the people in West Virginia, like the people in my own State, are eager to have more knowledge, more awareness, more understanding as to exactly where we are going and the circumstances of that commitment.

I thank the Senator from West Virginia so much for the thoughtful resolution which I am proud to cosponsor and for the comment he has made, which is that we will be back here again to talk about this issue of war and peace.

As he has said on many occasions, there is no vote that is more important than a Senator's vote on war and peace. There is no issue more important that we address in the Senate. The Senator reminds us of that very solemn obligation and responsibility we have on that issue and has, in his resolution, found ways of giving expression to the concerns of many of our fellow citizens.

I again thank him for all of the work he has done. I urge him to continue to lead this body to a better understanding of exactly what policy we are undertaking, what the risks are, and the challenges we face with the real prospects of a war which may be initiated by the United States, in which the United States may be effectively going it alone with perhaps one or two of our allies. I thank him so much for his attention and focus on this issue.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. BYRD. Mr. President, I thank the very able Senator for his thoughtful and gracious remarks. I thank him also for his cosponsorship of the sense-of-the-Senate resolution which I have just submitted. I thank him for his contributions to that resolution.

It is my understanding he will be submitting a resolution. We have discussed that as well, and I hope he will add my name to his resolution. He can be sure that, the Lord willing, I will be speaking on this matter from time to time, and I know that he will join me, as I hope others in this Senate will join us. I think it is time for the American people to hear more from the Senate. I do not think they have heard enough from the Senate on this matter that is so vital to them, to their loved ones, to their fortunes, and to their futures.

As far as the Lord enables me to do so, I intend to have more to say on this subject. I thank the Senator. I know he will have more to say. Again, I thank him for his remarks and for his cosponsorship of the resolution.

Mr. KENNEDY. Mr. President, may I be reminded when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so inform the Senator.

Mr. KENNEDY. Mr. President, last October 16, President Bush signed Public Law 107-243 which authorized the President to use military force, if necessary, to defend our country.

I voted against that resolution and war with Iraq because I was not persuaded that Iraq posed an imminent threat to our national security and because of my belief that war with Iraq, especially without broad international support, would undermine our ability to meet the gravest threat to our national security—terrorism against the United States by al-Qaida and other terrorist groups.

Circumstances have changed significantly since Congress approved that resolution last October. In the months that have passed, events have only strengthened my belief that this is the wrong war at the wrong time.

In those 3 months, al-Qaida has escalated its campaign of terror. North Korea has revived its nuclear weapons program. And United Nations inspectors are now on the ground in Iraq.

There is no doubt that Saddam Hussein is a brutal dictator. He invaded Kuwait. He oppresses the Iraqi people. He murders his opponents. He has gassed his own people. He has defied the world community.

So I commend President Bush for going to the United Nations and for working with our allies to put inspectors on the ground again in Iraq. The inspectors are making progress. Rather than commit American troops to war with Iraq at this time, we should give the inspectors our full support and assistance, including our best intel-

ligence information, to strengthen their disarmament efforts.

There are many other questions that must be answered before we go to war:

Will war increase the chances of injury and harm to American citizens if Saddam Hussein, with his back pressed against the wall, decides to use chemical or biological weapons? What will a postwar Iraq look like? Who will govern? How long will our troops need to stay? How many will need to stay?

What will be the impact on the war against terrorism? Will we be increasing support for al-Qaida?

What will be the impact of our allies in the region? Will stability be undermined?

How will our Nation be able to manage three foreign policy crises at the same time—the war against terrorism, the crisis with North Korea, and now war with Iraq?

When Congress voted on this issue in October, the President had not yet decided to go to war. The President said war was the last resort. He said we would work with the international community to obtain Iraq's disarmament. Clearly, we have not reached that last resort. Inspectors are on the ground in Iraq, and the international community wants the inspections to continue; yet, the President is poised to pull the trigger of war.

I am delighted to work with Senator BYRD on this issue, and I am a cosponsor of his resolution. We share the goal of ensuring that war will be the last resort; that if we do have to go to war in Iraq, it will be with the support of Congress, the American people, and the international community.

In light of the changed circumstances since the previous votes by Congress, I am submitting another resolution supporting the inspection process and requiring the President to obtain approval from the Congress before committing American troops to war.

This decision may well be one of the most important that any of us will make.

So much has happened since Congress voted to authorize force last October. On November 8, the United Nations Security Council unanimously approved a resolution that demanded unprecedented access to suspected weapons sites in Iraq. The passage of this resolution demonstrated the resolve of the international community to disarm Saddam, and was soon followed by the arrival of several hundred weapons inspectors in Iraq.

On January 27, the inspectors submitted a report to the Security Council about Iraq's cooperation with weapons inspections. Chief weapons inspector Hans Blix stated that Iraq has so far cooperated "rather well" but that additional cooperation is necessary. The director general of the International Atomic Energy Agency said inspectors "have found no evidence that Iraq has revived its nuclear weapons program since the elimination of the program in the 1990s" and that inspectors "should

be able within the next few months to provide credible assurances that Iraq has no nuclear weapons program."

The U.N. report demonstrated that the inspection process is working. The inspectors are building their case, and Saddam Hussein is feeling the pressure of the international community. Nothing in the report suggests that war now is the only option to disarm Saddam. Clearly, the inspections should continue.

It is wrong for the administration to beat the drums of war. There is time for thoughtful deliberation about whether war now is the right priority for our Nation and we in Congress have a responsibility to the Constitution and the American people to act again on this all-important issue of war or peace.

The administration has totally failed to make the case that Saddam Hussein is an imminent threat to our security. No evidence, no proof, no "smoking gun," no intelligence has ever been released to suggest we must launch a preemptive strike in order to defend America from an unprovoked attack. Instead of making its case, the administration simply says, "Trust us. We know more than you do."

Many experts believe that Iraq—especially without provocation—does not represent an imminent threat to our security. In fact, it may well be just the opposite. On October 7, CIA Director George Tenet released an unclassified assessment in a letter to the Senate Select Committee on Intelligence that suggested Iraq would only be a threat if the United States attacked it first.

The letter said, "the probability of [Saddam Hussein] initiating an attack [on the United States] would be low." It also said, "should Saddam Hussein conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve . . . [chemical and biological weapons]."

In spite of U.S. assertions that we have secret evidence of Iraq's WMD program, we have been transferring this information at a painfully slow pace. It is only this month, that we finally began to hand over "significant intelligence." The administration promises the release of new information and all of us hope that it will be more convincing than what has been made available so far.

Secretary Powell will go to the Security Council to share intelligence on Iraq's weapons of mass destruction program on February 5. But if the United States has significant intelligence, we should share it with the U.N. inspectors today. We should not wait a further week. If our goal is disarmament, we should do everything possible to assist the inspectors.

The disarmament of Saddam Hussein is essential. But the administration has not made a persuasive case that the threat from Iraq is so immediate

that it justifies resort to war now when the inspections process is obviously making progress. Clearly, we have not reached the last resort.

Our Nation faces another threat that is much more immediate: the possibility of new al-Qaida terrorist attacks. A unilateral invasion of Iraq would not advance our war against terrorism—it would undermine it. Our highest national priority is to wage the unfinished war against al-Qaida and wage it effectively.

In the last 4 months there have been deadly new al-Qaida attacks worldwide, which have slaughtered hundreds. A French tanker was attacked in Yemen, a nightclub bombed in Indonesia, a hotel destroyed in Kenya, missionaries murdered in Yemen. The frequency and ferocity of these attacks is increasing. It is only a matter of time before they strike America again.

The administration would like us to believe that Saddam Hussein is public enemy No. 1, ignoring the fact that Osama bin Laden is still at large. Chilling new evidence has arisen suggests that he is planning new attacks.

At home, we still remain vulnerable. Last October, a Council of Foreign Relations task force chaired by former Senators Gary Hart and Warren Rudman warned that "America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil."

Another Task Force representative told a Senate Judiciary Subcommittee that "a war with Iraq . . . elevates the risk in the near term of an attack on the United States . . . [and] will likely consume virtually all the nation's attention and command the bulk of the available resources, leaving little left over to address our many domestic vulnerabilities."

For some time, the administration engaged in a complicated spin job to convince the American people that Saddam Hussein and Osama bin Laden are co-conspirators. According to this view, waging war on Iraq is part of the war against terrorism. Last September, our Secretary of Defense went so far as to claim publicly that he had "bulletproof confirmation" of links between Iraq and al-Qaida.

But the administration has never presented any of this "bulletproof" evidence. Most regional experts believe it is highly unlikely that fundamentalist al-Qaida leaders would ever find much common cause with the secular dictator Saddam Hussein. Last October, CIA Director George Tenet even conceded that the administration's understanding of the al-Qaida Iraq link was "evolving" and based on "sources of varying reliability." The administration claimed again this week that they have new evidence of those ties, but so far we have only seen a rehash of old allegations and unreliable anecdotes.

As the administration emphasizes the threat from Iraq, it gives less attention to other countries that pose an even more immediate threat to our security.

The greatest proliferation threat comes not from Iraq, but North Korea. North Korea is much more likely and capable to develop, use and sell these weapons. But unlike Iraq, North Korea probably already has nuclear weapons. Unlike Iraq, North Korea has no nuclear inspectors on the ground to verify disarmament.

North Korea has a long and well-documented history of selling its military technology, especially ballistic missiles, to whoever will pay the highest price. Desperate and strapped for cash, it is the country most likely to sell or transfer weapons of mass destruction to terrorists or nations that support terrorism.

In its single-minded focus on Iraq, administration officials at first refused to acknowledge that a nuclear crisis even existed. Only very recently has the Administration begun to devote the attention this crisis deserves.

Nevertheless, the administration continues to focus on Iraq. They are now suggesting an easy war, with few casualties. But our military leaders, especially those with significant combat experience are skeptical. On December 18, a press report said that the commandant of the Marine Corps is concerned that civilian leaders in the Pentagon are underestimating the risks of war, and that military chiefs have challenged the optimistic view that Saddam Hussein's government will collapse soon after a military campaign begins.

In December, we heard dire new forecasts about what war with Iraq would actually be like. U.S. intelligence officials warned that Saddam Hussein may pursue a "scorched earth" policy if the war goes badly. They said that Hussein may try to destroy Iraq's oil fields, power plants and food facilities.

In the Armed Services Committee, we heard testimony from General Hoar and others about the dangers to our troops of urban guerilla warfare.

War will be a disaster not just for the soldiers who suffer and die, but for the vast numbers of innocent civilians who will be affected. In December, the media reprinted a confidential U.N. planning document predicting a humanitarian crisis in the wake of war with Iraq. U.N. officials also predicted a halt to Iraqi oil production, serious degradation of Iraqi transportation, sanitation and power facilities, and the "outbreak of diseases in epidemic if not pandemic proportions." The document also predicted a flow of up to 900,000 refugees.

War will not be as easy as the administration would like us to believe. It may well turn into the first great humanitarian catastrophe of the 21st century.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. The debate giving the President authority to use force against Iraq occurred over 3 months ago. Since then, circumstances have changed so significantly that Congress

must consider the issue of war and peace again.

The administration is also not adequately considering the massive political commitment that will be required to Iraq's long-term reconstruction. If we wage this war without allies, the United States will assume a massive and lonely responsibility to rebuild Iraq, preserve its territorial integrity and prevent chaos. Going to war alone will impose massive new responsibilities that could extend for years, if not decades.

The Senate debated giving the President authority to use force against Iraq over three months ago. Since then, circumstances have changed so significantly that Congress must consider the issue of war and peace again.

Since our debate last fall, we have finally implemented, with our allies, an active process to verify Iraq's disarmament. That process is working and should be allowed to continue. We must help this process along and give persuasive intelligence information to U.N. weapons inspectors.

It is possible that the inspections process will fail or that new evidence will be uncovered about the threat from Saddam Hussein. But under the current conditions, I continue to believe that this is the wrong war at the wrong time.

If we rush to pull the trigger against Iraq, we will invite catastrophe and condemnation. America, which has long been a beacon of freedom for people around the world, will turn into a symbol of brute force and aggression. The world may come to see us as a dangerous rogue state, needing to be contained and deterred. This is not the America that Abraham Lincoln called "the last, best hope of mankind." War now would be alien to our values, contrary to our interests, and must not be waged.

Mr. MCCAIN. I ask that I be recognized for up to 20 minutes.

Mrs. FEINSTEIN. I ask for a point of clarification. I was waiting in the queue. I have no objection to the Senator from Arizona going first. I ask unanimous consent that directly following Senator MCCAIN, I be granted a privilege of the floor for 20 minutes.

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

The Senator from Arizona.

MR. MCCAIN. Mr. President, over 3 months ago, I worked with Senators LIEBERMAN, WARNER, and BAYH to manage the resolution authorizing the use of military force against Iraq on the floor of the Senate. Over the course of 8 days, we held a thorough, comprehensive, and honorable debate that allowed all sides to express their views quite thoroughly. Seventy-seven Senators then voted to authorize the President to use our Armed Forces to "defend the national security of the United States against the continuing threat posed by Iraq" and "enforce all relevant United Nations Security Council resolutions regarding Iraq."

The resolution, which now has the force of law, was entitled the "Authorization for Use of Military Force Against Iraq Resolution of 2002." One provision stated, "Consistent with . . . the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution." Congress has spoken, and its message could not be clearer.

The Senator from Massachusetts spoke repeatedly and at length over the course of the Congressional debate on Iraq. He spoke eloquently and passionately, in the great tradition of the Senate. At the end of the day, his views did not prevail, but he made an important contribution to the debate.

That debate is over. After a months-long period in which the Bush administration went to the Security Council—as the Senator called for last fall, secured a new Council resolution demanding Iraqi compliance with its disarmament obligations—as the Senator called for last fall, and pursued patient diplomacy while educating the American public about the threat Iraq poses to our interests—as the Senator called for last fall, I agree with him that "much has changed in the many months since Congress last debated war with Iraq."

What has changed is that the Administration has pursued the careful diplomacy the Senator had urged on it and has refrained from using force unilaterally against Iraq. The President has worked to make the case for Iraqi disarmament to America and the world. The administration was able to unite the Security Council behind our demand that Iraq disarm or be disarmed. And the administration has worked diligently to assemble a coalition that will stand with us in the event military action is necessary.

Iraq has provided more evidence of its intentions, and its defiance, by its failure to provide anything resembling an honest declaration of its arsenal of banned weaponry, and its failure to cooperate substantively with the U.N. inspectors, as Hans Blix has stated. By its own actions, Iraq has placed itself before the world in material breach of the Security Council resolution the Senator from Massachusetts demanded the administration seek, and honor, in the congressional debate last fall. I agree with the Senator, much has changed.

As the President said last night, "The dictator of Iraq is not disarming. To the contrary, he is deceiving." The price of his deception, if allowed to continue unchecked, could have catastrophic consequences for the United States which none of us, no matter how we voted on the Iraq resolution, could ever countenance.

The Senator from Massachusetts apparently believes we should revoke the President's authority as Commander in Chief to order our Armed Forces to defend American national security

against the threat posed by Iraq, as enshrined in the Constitution and authorized in law by Congress, unless and until there is clear evidence of an imminent Iraqi threat of attack on the United States. But in the world we live in, there is no such thing as knowledge of imminence of attack. Had we known what was to happen to our country you September 11, 2001, there is no American leader who would not have acted to prevent it.

Every one of us in this body had contemplated what could have happened had the September 11 terrorists employed weapons of mass destruction. We cannot abide a world in which outlaw regimes deeply hostile to American are free to develop weapons which, in the hands of dictators and terrorists, would be used against us. As long as those dictators reign, and as long as terrorists plot to strike us, the threat can be understood to be imminent, because we don't know when the next attack will happen—and as long as we don't act we can say with certainty that there will be another attack.

Speaking of the nexus between rogue states with deadly arsenals and the terrorists with whom they conspire, the President said, "If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option."

While I respect my colleague's differences with the administration and with a substantial majority of the Congress on the matter of Iraq, I believe the case for action to disarm Saddam Hussein has only become more compelling since Congress debated the authorization to use force against Iraq last fall.

When I heard earlier today—as the word gets out around here—that the Senator from Massachusetts might come to the floor and propose another resolution to be debated, I must say I was of two minds. I thought this would be another marvelous opportunity to debate this amendment, this entire situation, because in the intervening months, as I have stated, Saddam Hussein has proven he is not in compliance not only with the Security Council resolutions but going all the way back to 1991 when he was required, according to Security Council Resolution 687, to comply within 15 days and has not. He has violated some 12 or 13 Security Council resolutions. I thought this would be a great opportunity because there is no doubt in my mind we would prevail again if a vote were held.

I also, on the other side of the coin, believe if we start a debate all over again that lasts for another week or 2 weeks, or whatever it is, surely we would be plowing the same ground. But also, would we be sending a signal that the American people are not united? Would the outcome of the vote be basically the same? Would Senator LIEBERMAN or Senator BAYH decide to

vote against the resolution that they so fervently and eloquently supported on the floor of the Senate? I don't think so.

Another thing about this terrible and difficult decision the President may have to make—which is the most difficult that any President of the United States is faced with, the dispatch of young Americans into harm's way—the President knows full well that even though we will win an overwhelming victory, young Americans will lose their lives.

I believe that conflict will be short. I believe that in 1991 when I debated this same situation where we contemplated previously the subject of military action against Iraq, colleagues on the other side of the aisle, including Senators who will speak and have spoken in opposition, said: It will be another Vietnam; the body bags will be coming back; we should not do this; this is terrible; let's delay; let's give peace a chance.

The conflict was short. We freed the nation of Kuwait, and for a period of time we had peace in the Middle East without significant threats to the United States national security. Now we have to finish the job, perhaps.

I say two things. One, I regret and grieve the loss of any American lives that might occur as a result of this military action. But our interests are threatened, as the President said last night.

I also want to say a word about post-Saddam Iraq, since that has been referred to continuously by those who oppose any military action under any circumstances.

The people of Iraq are subjected to one of the most brutal, repressive, God-awful regimes in the world today. Last week's New York Times told stories of warehouses where people were hung from hooks, of rape, of torture, of murder. Claire Shipman did an interview with one of Saddam Hussein's previous mistresses. He derived some kind of pleasure watching films of people being tortured.

These are bad people, a bad regime that has killed and oppressed its own people; a complete and total police state. Where are the advocates for human rights?

I promise you there are many of us, at the time of the fall of Saddam Hussein, who will devote American effort and treasure to the construction of a democratic, freely elected, free society in Iraq, and give those people a chance to enjoy the human rights that it is our fundamental belief is the endowment of all men and women.

As far as the expense is concerned, I am sure any new Iraqi Government could cover those expenses. But shouldn't we give those people an opportunity to enjoy their God-given rights rather than continue under the dictatorship of this brutal, mad dictator? He is the only one I know of who has used weapons of mass destruction on his own citizens.

Yes, I will admit, if he wasn't constructing these weapons of mass destruction, and his relentless pursuit of them, we probably wouldn't do anything about it. But this is an interesting nexus of our national interests and our national values. Our values are that all men and women are created with certain inalienable rights. Our interests are threatened by the certain knowledge that, sooner or later, Saddam Hussein would acquire these weapons and use them. There has been no evidence that would indicate the contrary.

I sort of regret we are coming to the floor to begin a debate that may last for some days, whether the Senator from Massachusetts withdraws his resolution or not. I hope not. I hope the Senator from Massachusetts will recognize that time was over 3 months ago, and the process moved on, a process of constant consultation with the American people, and with the United Nations Security Council, and a speech that I think was remarkably eloquent last night to the American people by the President of the United States.

But I want to say I believe some time from now we will be pleased as Americans that we placed this responsibility in the hands of the President of the United States; that he acted with maturity; that he acted with great and sound judgment, and the world some time from now will be a far better place—not only for Americans but also for Iraqi citizens.

I yield the remainder of my time and I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS) The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished Senator from Arizona for his comments. He certainly is one who does know about war, and I believe he also believes that war should be a last resort.

I also thank the distinguished Senators from West Virginia and from Massachusetts for introducing this legislation which I have decided to be a cosponsor. Because of my support for the resolution which gave the President authorization for use of force, I felt I probably should come to the floor and explain my rationale for supporting the resolution offered by the Senator from West Virginia.

Essentially, Hans Blix's report Monday to the Security Council made it clear that, although there has been progress, Iraq is not fully living up to its obligations, nor is it fully cooperating. Then the President, in last night's State of the Union Message, made clear, I think, some outstanding questions.

The first question is: What has Iraq done with 500 tons of Sarin, mustard gas precursor chemicals, and VX nerve agents? That tonnage is missing. It has not been declared. It has not been revealed or has not been found.

The second question is: What has really happened to the 8,500 liters of anthrax which Iraq has stated it uni-

laterally destroyed in the summer of 1991? But it cannot document that.

And third, what of the 650 kilograms of bacterial growth media? Those are critical items.

These are key and serious issues the answers to which clearly provide the evidence as to whether Iraq possesses chemical and biological weapons.

The fourth item is the U-2 plane. The United Nations, as we all know, has access to a U-2 plane to gather intelligence. However, Iraq has refused to provide it safe overflight. This remains another issue of major non-cooperation.

So the administration is correct in saying that Iraq needs to be immediately forthcoming and immediately cooperative with the inspectors. These issues need to be resolved. These are mega issues from anyone's point of view.

As long as the inspectors believe there is sufficient access and as long as Iraq has said, specifically Tariq Aziz, that Iraq will even offer greater cooperation, I would say there ought to be a period of time where Iraq provides to the world and to the inspectors, the answers to these questions. I think it is vital.

If Iraq is found to pose an imminent threat to the United States, then clearly we have to take action—with others I hope, if we can. But right now that is not the case. If, indeed, after consultations with the Security Council, the administration has clear evidence that Iraq is continuing an illegal program to produce chemical and biological weapons, or nuclear weapons, or possesses these weapons, the time has really come to make it public.

What the President did, in my view, was present very clearly, not only to the Congress of the United States but to the entire world, significant questions that need to be immediately addressed. Iraq must, in fact, step up to the plate.

The reason I believe this resolution—which essentially asks for time for inspections to continue, essentially urges a second vote at the Security Council—is right is because I believe this situation must stand on its own. The degree of threat and the degree of violation must be separately evaluated. But it is also part of a much bigger scenario and I want to spend time discussing that scenario here today.

I believe America's national security policy stands at a crossroads. I believe in the wake of 9/11, last year was fundamental in terms of the administration's articulation of what constitutes, to my mind, a brand new approach to foreign policy by the United States. Within about 8 months last year, the administration put out three separate documents. One of them was the National Security Strategy. The second was the Nuclear Posture Review. The third was the Doctrine of Preemption as represented in the President's speech at West Point.

Although individually each may appear innocuous, taken together these

documents are revolutionary. They posit a world in which the exercise of U.S. military power is the central organizing principle for international affairs in this new century. These documents, in fact, put forward a litany of ways in which the United States will make military activism and adventurism the basic tool for pursuing national security.

First, the National Security Strategy quite pointedly moves the United States away from the concept of deterrence and, to a great extent, substitutes preemption in its place.

Secondly, the administration's Nuclear Posture Review is extraordinarily provocative and dangerous. It blurs the line between the use of conventional and nuclear weapons. It suggests that certain events might compel the United States to use nuclear weapons first, even against non-nuclear states. And it calls for the development of a new generation of United States nuclear warheads, including "mini-nukes."

As was well documented in the press last year, the Review also discusses contingencies in which nuclear weapons might be used, including—and I quote—"a North Korean attack on South Korea or a military confrontation over the status of Taiwan" in which our adversaries do not necessarily use nuclear weapons first.

The Review also addresses contingencies in which the United States might use nuclear weapons not in retaliation to a nuclear strike on the United States but to destroy enemy stocks of chemical or biological arms.

Karl Rove was specifically asked that question on television on Sunday, and he did not answer the question.

This Review also states that in setting requirements for nuclear strike capabilities, distinctions can be made among immediate, potential or unexpected contingencies, and that North Korea, Iraq, Iran, Syria and Libya are among the countries that could be involved in these immediate, potential or unexpected contingencies.

That is what makes what is being suggested here in Iraq—if you look at it, in its total expression—so troubling.

The fact of the matter is that several of the nations cited in the Nuclear Posture Review's contingencies lack nuclear weapons. Using nuclear weapons against them would be constitute first use. Under the Nuclear Nonproliferation Treaty, the United States has agreed not to use nuclear weapons against a non-nuclear state unless that country attacks the United States "in alliance with a nuclear weapons state."

And finally, the doctrine of Preemption—which we may be seeing for the time with Iraq—asserts a unilateral right for the United States to preempt a threat against our Nation's security.

The doctrine says:

[T]he United States can no longer solely rely on a reactive posture as we have in the past. . . . We cannot let our enemies strike first.

Further on:

The greater the threat, the greater the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves.

Taken at face value, this means the United States holds for itself the right to strike against another sovereign nation—wage war, if you will—even in the absence of a clear and present danger, an immediate threat or provocative action, but based solely on the perception of a sufficient threat.

I deeply believe the administration's course in these areas stands in contrast to the successful bipartisan tradition of supporting a world ordered by law, with capable international institutions and reciprocal restraints on action.

But the administration's emphasis on unilateral action, its dismissal of international law, treaties, and institutions, and its apparent focus on the military, especially as documented in the National Security Strategy, the doctrine of Preemption and the Nuclear Posture Review, have created widespread resentment in the international community.

I believe that these documents are the clearest statements in writing of the administration's long-term intentions, and I find them questionable and seriously disturbing.

I must also tell you that Secretary Powell essentially said to me: Well, the Nuclear Posture Review really isn't operative. But, nonetheless, that is a doctrine that was released. It is serious in its ramifications. And the way this relates to Iraq is Iraq may be the first test case. If there are chemical and biological weapons—and there very well might be—does this then justify the use of a nuclear weapon to destroy them? The Nuclear Posture Review puts this on the table as an option. I think we need to know.

So I ask these questions because I think they must be asked. And this is as good a time as any.

If we are going to depend on the might of the sword to right wrongs, and in so doing risk committing our own wrongs, how are we better off?

Coalitions, alliances, treaties, peacekeepers, inspection regimes—all can and have been successful instruments in deterring adversaries, safeguarding American lives and U.S. security interests, and in resolving disputes, conflicts, and crises.

So, Madam President, I remind this body that since World War II, there has been strong bipartisan support of a United States which has embraced international cooperation, not out of vulnerability or weakness but from a position of strength.

House Joint Resolution 114, which I supported, and which authorizes the use of force against Iraq, specifically calls for a Presidential determination, that—and I quote—"reliance by the United States on further diplomatic or other peaceful means alone either will not adequately protect the national security of the United States against the

continuing threat posed by Iraq or is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq."

That finding, that determination, required by our resolution—for which 77 of us voted—has not yet been made. The evidence has not yet been laid out. The conclusions have not yet been drawn.

What happened to the missing anthrax, the missing botulinum toxin, the missing VX nerve agent, the missing precursor chemicals, has not yet been determined. So that is why I come to the floor to say that it is critical that Iraq fully cooperate. It is critical that the inspectors be allowed to continue.

If Iraq does not come clean, if Iraq does not submit the documentation as to the disposition of these chemicals and biological agents, then a legitimate conclusion can be drawn. But the reason I believe arms inspections must be given a chance to succeed and must continue is that I believe Iraq is just one small part of a larger sea-change in U.S. national security policy. It is a small part of the doctrine of Preemption, in which we move against a perceived or real threat. It is a small part of the Nuclear Posture Review, which says the United States would countenance the use of nuclear weapons against hard and deeply buried targets or biological or chemical weapons.

So I believe that restraint is the proper course. It means that diplomacy is a prudent course, and it means that if international law—if international bodies are to have any relevance in this new millennium—then the Security Council itself must respond.

It is my deep belief that in the long run a foreign policy oriented toward cooperation and consultation will prove to be a more effective guarantor of U.S. national security than one of unilateral impulse and confrontation.

Let us remember that we are currently engaged in a war on terror. It is a war that, if we are to win it, will require the cooperation of our friends and allies.

There is no doubt in my mind that if the United States acts precipitously against Iraq, Taliban and al-Qaida fighters in the hinterland of Afghanistan are gathering today and are prepared to strike against our forces there and against the government of Hamid Karzai.

And let us recall that beyond Iraq, there are a host of other challenges—the situation in the Middle East, the nuclear crisis on the Korean peninsula—that require international cooperation and action. So I am deeply concerned that if we are not careful in our approach to Iraq, if we do not present a just case, if we do not build an international coalition, we may well precipitate the very events we are trying to prevent. For example, a preemptive unilateral attack against a Muslim nation may well create a divide between the United States and the Muslim world so deep and so wide that it

will bring with it negative consequences for decades, and unforeseen ones.

I deeply believe that if Iraq is in possession of weapons of mass destruction, it poses a real threat to the entire international community; and there is no doubt, as the President pointed out, that Saddam Hussein is an evil dictator.

But at this point I believe it would be a tremendous mistake for the United States to unilaterally attack Iraq, and I urge the administration to go slow, let the inspectors do their work, and build that international coalition. War should be a last resort, not a foregone conclusion.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

A FORMER PRESIDENT'S SPEECH ON IRAQ

Mr. STEVENS. Madam President, I wish to read from a speech of a President of the United States. In order that there be no question about its source, I ask unanimous consent that at the end of my remarks the speech in full be printed in the RECORD.

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

(See exhibit 1.)

Mr. STEVENS. Madam President, I intend to read excerpts of the speech. It is too long to read completely in the time allotted to me. I hope my friends on both sides of the aisle will listen to it because when I heard of this speech in the first instance, I was very impressed by it. I think the Senate should be reminded of it. I will start off with this paragraph, and it is not the first, but I will call attention to it. The President said:

I have just received a very fine briefing from our military leadership on the status of our forces in the Persian Gulf. Before I left the Pentagon, I wanted to talk to you and all those whom you represent, the men and women of our military.

The President was speaking to the force of generals of the United States.

You, your friends, and your colleagues are on the frontlines of this crisis in Iraq. I want you and I want the American people to hear directly from me what is at stake for America in the Persian Gulf; what we are doing to protect the peace, the security, the freedom we cherish; why we have taken the position we have taken.

I will now move down in the speech.

This is a time of tremendous promise for America. The superpower confrontation has ended on every continent; democracy is securing for more and more people the basic freedoms we Americans have come to take for granted. Bit by bit, the information age is chipping away at the barriers, economic, political, and social, that once kept people locked in and freedom and prosperity locked out.

But for all our promise, all our opportunity, people in this room know very well that this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers, and organized international

criminals. We have to defend our future from these predators of the 21st century. They feed on the free flow of information and technology. They actually take advantage of the freer movement of people, information, and ideas. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen.

There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region, and the security of all the rest of us.

I want the American people to understand, first, the past: How did this crisis come about? And I want them to understand what we must do to protect the national interests and, indeed, the interest of all freedom-loving people in the world.

Remember, as a condition of the cease-fire after the Gulf war, the United Nations demanded—not the United States, the United Nations—and Saddam Hussein agreed to declare within 15 days—this is way back in 1991—within 15 days his nuclear, chemical, and biological weapons and the missiles to deliver them, to make a total declaration. That's what he promised to do.

The United Nations set up a special commission of highly trained international experts, called UNSCOM, to make sure that Iraq made good on that commitment. We had every good reason to insist that Iraq disarm. Saddam had built up a terrible arsenal, and he used it, not once but many times. In a decade-long war with Iran, he used chemical weapons against combatants, against civilians, against a foreign adversary, and even against his own people. During the Gulf war, Saddam launched Scuds against Saudi Arabia, Israel, and Bahrain.

Now, instead of playing by the very rules he agreed to at the end of the Gulf war, Saddam has spent the better part of the past decade trying to cheat on this solemn commitment. Consider just some of the facts. Iraq repeatedly made false declarations about weapons that it had left in its possession after the Gulf war. When UNSCOM would then uncover evidence that gave lie to those declarations, Iraq would simply amend the records. For example, Iraq revised its nuclear declarations 4 times within just 14 months, and it has submitted 6 different biological warfare declarations, each of which has been rejected by UNSCOM.

In 1995, Hussein Kamel, Saddam's son-in-law and the chief organizer of Iraq's weapons of mass destruction program, defected to Jordan. He revealed that Iraq was continuing to conceal weapons and missiles and the capacity to build many more. Then and only then did Iraq admit to developing numbers of weapons in significant quantities and weapons stocks. Previously, it had vehemently denied the very thing it just simply admitted once Saddam Hussein's son-in-law defected to Jordan and told the truth.

Now, listen to this. What did it admit? It admitted, among other things, an offensive biological warfare capability, notably 5,000 gallons of botulinum, which causes botulism; 2,000 gallons of anthrax; 25 biological-filled Scud warheads; and 157 aerial bombs. And I might say, UNSCOM inspectors believe that Iraq had actually greatly understated its production. As if we needed further confirmation, you all know what happened to his son-in-law when he made the untimely decision to go back to Iraq.

He was killed, Madam President.

Next, throughout this entire process, Iraqi agents have undermined and undercut UNSCOM. They've harassed the inspectors, lied to them, disabled monitoring cameras,

literally spirited evidence out of the back doors of suspect facilities as inspectors walked through the front door, and our people were there observing it and have the pictures to prove it.

Despite Iraq's deceptions, UNSCOM has, nevertheless, done a remarkable job. Its inspectors, the eyes and ears of the civilized world, have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf war. This includes nearly 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical and biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents. . . .

That is all we want. And if we can find a diplomatic way to do what has to be done, to do what he promised to do at the end of the Gulf war, to do what should have been done within 15 days—within 15 days of the agreement at the end of the Gulf war—if we can find a diplomatic way to do that, that is by far our preference. But to be a genuine solution and not simply one that glosses over the remaining problem, a diplomatic solution must include or meet a clear, immutable, reasonable, simple standard: Iraq must agree, and soon, to free, full, unfettered access to these sites, anywhere in the country. There can be no dilution or diminishment of the integrity of the inspection system that UNSCOM has put in place.

Now, those terms are nothing more or less than the essence of what he agreed to at the end of the Gulf war. The Security Council many times since has reiterated this standard. If he accepts them, force will not be necessary. If he refuses or continues to evade his obligation through more tactics of delay and deception, he, and he alone, will be to blame for the consequences.

I ask all of you to remember the record here: what he promised to do within 15 days at the end of the Gulf war, what he repeatedly refused to do, what we found out in '95, what the inspectors have done against all odds.

We have no business agreeing to any resolution of this that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business. That should be our standard. That's what UNSCOM has done, and that's why I have been fighting for it so hard. That's why the United States should insist upon it.

Now, let's imagine the future. What if he fails to comply and we fail to act, or we take some ambiguous third route which gives him more opportunities to develop this program of weapons of mass destruction and continue to press for the release of sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who has really worked on this for any length of time believes that, too. . . .

If Saddam rejects peace and we have to use force, our purpose is clear: We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program. We want to seriously reduce his capacity to threaten his neighbors. I am quite confident from the briefing I have just received from our military leaders that we can achieve the objectives and secure our vital strategic interests.

Let me be clear: A military operation cannot destroy all the weapons of mass destruction capacity. But it can and will leave him

significantly worse off than he is now in terms of the ability to threaten the world with these weapons or to attack his neighbors. And he will know that the international community continues to have the will to act if and when he threatens again.

Following any strike, we will carefully monitor Iraq's activities with all the means at our disposal. If he seeks to rebuild his weapons of mass destruction, we will be prepared to strike him again. The economic sanctions will remain in place until Saddam complies fully with all U.N. resolutions. . . .

Now, let me say to all of you here, as all of you know, the weightiest decision any President ever has to make is to send our troops into harm's way. And force can never be the first answer. But sometimes it's the only answer.

You are the best prepared, best equipped, best trained fighting force in the world. And should it prove necessary for me to exercise the option of force, your commanders will do everything they can to protect the safety of all the men and women under their command. No military action, however, is risk-free. I know that the people we may call upon in uniform are ready. The American people have to be ready as well.

Dealing with Saddam Hussein requires constant vigilance. We have seen that constant vigilance pays off, but it requires constant vigilance. Since the Gulf war we have pushed back every time Saddam has posed a threat. When Baghdad plotted to assassinate former President Bush, we struck hard at Iraq's intelligence headquarters. When Saddam threatened another invasion by massing his troops in Kuwait, along the Kuwaiti border in 1994, we immediately deployed our troops, our ships, our planes, and Saddam backed down. When Saddam forcefully occupied Irbil in northern Iraq, we broadened our control over Iraq's skies by extending the no-fly zone.

But there is no better example, again I say, than the U.N. weapons inspections system itself. Yes, he has tried to thwart it in every conceivable way. But the discipline, determination, the year-in, year-out effort of these weapons inspectors is doing the job. And we seek to finish the job.

Let there be no doubt, we are prepared to act. But Saddam Hussein could end this crisis tomorrow, simply by letting the weapons inspectors complete their mission. He made a solemn commitment to the international community to do that and to give up his weapons of mass destruction a long time ago, now. One way or the other, we are determined to see that he makes good on his own promise. . . .

That is the future I ask you all to imagine. That is the future I ask our allies to imagine. If we look at the past and imagine that future, we will act as one together. And we still have, God willing, a chance to find a diplomatic resolution to this and, if not, God willing, a chance to do the right thing for our children and grandchildren.

Thank you very much.

That speech was made by President Clinton on February 17, 1998. I find it very strange that my friends on the other side of the aisle—and they are my friends—are attacking President Bush for having made statements weaker than these statements.

If one reads this statement in full, the President of the United States, then speaking to the generals who command all our forces, told them to be ready. He had just had the briefing. He had the briefing that convinced him in 1998 that he might have to act as President to take military action against Saddam Hussein.

Five years later, another President is saying the same thing, and he is attacked. We never attacked President Clinton. We never doubted his sincerity. But now my friends—and they are my friends—are saying that this President does not know what he is doing. I believe the President knows what he is doing, and I think he made a masterful statement last night of the position in which the United States finds itself. It is not different from the position President Clinton was in in 1998. Should he be in this position now? Should we have done something in the interim? The answer is simply yes. We should have done something years ago—gone to the U.N. and said: If you are going to have any meaning in the world at all, you must insist that Saddam Hussein obey the mandates you have issued.

I come from a State that has a great many of our military planes, and I talk to our military pilots wherever I travel in the world. One thing is clear: Our pilots, our Air Force pilots have been enforcing the no-fly zones since 1991. They have been flying every day in harm's way. They have been shot at nearly every week. We retaliated, retaliated, retaliated, but young men and women are up there tonight flying planes over portions of Iraq, at the insistence of the United Nations that we prevent Saddam Hussein from having any aircraft in those zones in the north and south. We are following their request. We are carrying out that operation at our expense and with our pilots, with our planes, and we have been doing it now since 1991.

How long will this continue? How long do we have to fly to prevent Saddam Hussein from having weapons in the air that are really minuscule compared to what is on the ground—weapons of mass destruction, that President Clinton described adequately and succinctly and honorably in 1998.

Madam President, I think it is high time we came together. I am sincerely disappointed that we do not have a uniform force here, that we do not have a uniform force right here on the floor of the Senate saying: Mr. President, we understand that you—as did President Clinton—have in front of you a horrendous decision to make. When do we have to go in and destroy these weapons?

How many weapons has he created since 1998? How much more difficult will it be to find those weapons than it would have been in 1998? I say in all sincerity, as one who has watched over the Defense Department's appropriations now since 1981, either I or my friend from Hawaii, the two of us jointly have done that job. We have been to this part of the world of the Persian Gulf many times.

This is an awesome problem that faces the President of the United States. We should help him, not challenge his decision and what he is doing. He is asking the world to come together to demand that Saddam Hussein

do what he agreed to do in 1991, as President Clinton repeatedly said in his statement, and as our President, President Bush, has said before the U.N. in a masterful statement he made when he went before the U.N.

The time is now for us to come together and realize we are approaching decision time. I served in combat in World War II, and many of us know the awesome days we went through then. They were nothing compared to what this world will be if Saddam Hussein ever uses those weapons of mass destruction. I think we have changed our way of life. We have changed our lifestyles. We have already been affected by his collusion with the al-Qaida force, and those people who are part of that terrible force.

President Clinton called it the unholy axis. President Bush called it the evil axis and has been criticized for saying so. President Clinton said we have to defend our future from these predators of the 21st century, and I say things are worse today than they were in 1998.

I am one of those who gets these intelligence briefings. I have told my wife when I come home after those briefings I find it hard to think about the work I have to do other than just think about these terrible intelligence reports. This is not a simple world we live in, but it is a world in which I believe the freedom-loving people look to us for leadership. I say, thank God we have a leader who means what he says, and I am willing to follow him when he says it is necessary to use force if that day ever comes.

I yield the floor.

EXHIBIT 1

Thank you very much, Mr. Vice President, for your remarks and your leadership. Thank you, Secretary Cohen, for the superb job you have done here at the Pentagon and on this most recent, very difficult problem. Thank you, General Shelton, for being the right person at the right time. Thank you, General Ralston, and the members of the Joint Chiefs, General Zinni, Secretary Albright, Secretary Slater, DCI Tenet, Mr. Bowles, Mr. Berger. Senator Robb, thank you for being here, and Congressman Skelton, thank you very much, and for your years of service to America and your passionate patriotism, both of you, and to the members of our Armed Forces and others who work here to protect our national security.

I have just received a very fine briefing from our military leadership on the status of our forces in the Persian Gulf. Before I left the Pentagon I wanted to talk to you and all those whom you represent, the men and women of our military. You, your friends, and your colleagues are on the frontlines of this crisis in Iraq. I want you and I want the American people to hear directly from me what is at stake for America in the Persian Gulf; what we are doing to protect the peace, the security, the freedom we cherish; why we have taken the position we have taken.

I was thinking, as I sat up here on the platform, of the slogan that the First Lady gave me for her project on the millennium, which was: Remembering the past and imagining the future. Now, for that project, that means preserving the Star-Spangled Banner and the Declaration of Independence and the Constitution and the Bill of Rights, and it means

making an unprecedented commitment to medical research and to get the best of the new technology. But that's not a bad slogan for us when we deal with more sober, more difficult, more dangerous matters.

Those who have questioned the United States in this moment, I would argue, are living only in the moment. They have neither remembered the past nor imagined the future. So, first, let's just take a step back and consider why meeting the threat posed by Saddam Hussein is important to our security in the new era we are entering.

This is a time of tremendous promise for America. The superpower confrontation has ended on every continent; democracy is securing for more and more people the basic freedoms we Americans have come to take for granted. Bit by bit, the information age is chipping away at the barriers, economic, political, and social, that once kept people locked in and freedom and prosperity locked out.

But for all our promise, all our opportunity, people in this room know very well that this is not a time free from peril, especially as a result of reckless acts of outlaw nations and an unholy axis of terrorists, drug traffickers, and organized international criminals. We have to defend our future from these predators of the 21st century. They feed on the free flow of information and technology. They actually take advantage of the freer movement of people, information, and ideas. And they will be all the more lethal if we allow them to build arsenals of nuclear, chemical, and biological weapons and the missiles to deliver them. We simply cannot allow that to happen.

There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region, and the security of all the rest of us.

I want the American people to understand, first, the past: How did this crisis come about? And I want them to understand what we must do to protect the national interest and, indeed, the interest of all freedom-loving people in the world.

Remember, as a condition of the cease-fire after the Gulf war, the United Nations demanded—not the United States, the United Nations demanded—and Saddam Hussein agreed to declare within 15 days—this is way back in 1991—within 15 days his nuclear, chemical, and biological weapons and the missiles to deliver them, to make a total declaration. That's what he promised to do.

The United Nations set up a special commission of highly trained international experts, called UNSCOM, to make sure that Iraq made good on that commitment. We had every good reason to insist that Iraq disarm. Saddam had built up a terrible arsenal, and he had used it, not once but many times. In a decade-long war with Iran, he used chemical weapons against combatants, against civilians, against a foreign adversary, and even against his own people. And during the Gulf war, Saddam launched Scuds against Saudi Arabia, Israel, and Bahrain.

Now, instead of playing by the very rules he agreed to at the end of the Gulf war, Saddam has spent the better part of the past decade trying to cheat on this solemn commitment. Consider just some of the facts. Iraq repeatedly made false declarations about the weapons that it had left in its possession after the Gulf war. When UNSCOM would then uncover evidence that gave lie to those declarations, Iraq would simply amend the reports. For example, Iraq revised its nuclear declarations 4 times with just 14 months, and it has submitted six different biological warfare declarations, each of which has been rejected by UNSCOM.

In 1995, Hussein Kamel, Saddam's son-in-law and the chief organizer of Iraq's weapons

of mass destruction program, defected to Jordan. He revealed that Iraq was continuing to conceal weapons and missiles and the capacity to build many more. Then and only then did Iraq admit to developing numbers of weapons in significant quantities and weapons stocks. Previously it had vehemently denied the very thing it just simply admitted once Saddam Hussein's son-in-law defected to Jordan and told the truth.

Now, listen to this. What did it admit? It admitted, among other things, an offensive biological warfare capability, notably 5,000 gallons of botulinum, which causes botulism; 2,000 gallons of anthrax; 25 biological-filled Scud warheads; and 157 aerial bombs. And I might say, UNSCOM inspectors believe that Iraq has actually greatly understated its production. As if we needed further confirmation, you all know what happened to his son-in-law when he made the untimely decision to go back to Iraq.

Next, throughout this entire process, Iraqi agents have undermined and undercut UNSCOM. They've harassed the inspectors, lied to them, disabled monitoring cameras, literally spirited evidence out of the back doors of suspect facilities as inspectors walked through the front door, and our people were there observing it and have the pictures to prove it.

Despite Iraq's deceptions UNSCOM has, nevertheless, done a remarkable job. Its inspectors, the eyes and ears of the civilized world, have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf war. This includes nearly 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents.

Over the past few months, as they have come closer and closer to rooting out Iraq's remaining nuclear capacity, Saddam has undertaken yet another gambit to thwart their ambition by imposing debilitating conditions on the inspectors and declaring key sites which have still not been inspected off limits, including, I might add, one palace in Baghdad more than 2,600 acres large. By comparison—when you hear all this business about “Presidential sites reflect our sovereignty; why do you want to come into a residence?”—the White House complex is 18 acres, so you'll have some feel for this. One of these Presidential sites is about the size of Washington, DC. That's about—how many acres did you tell me it was—40,000 acres. We're not talking about a few rooms here with delicate personal matters involved.

It is obvious that there is an attempt here, based on the whole history of this operation since 1991, to protect whatever remains of his capacity to produce weapons of mass destruction, the missiles to deliver them, and the feedstocks necessary to produce them. The UNSCOM inspectors believe that Iraq still has stockpiles of chemical and biological munitions, a small force of Scud-type missiles, and the capacity to restart quickly its production program and build many, many more weapons.

Now, against that background, let us remember the past, here. It is against that background that we have repeatedly and unambiguously made clear our preference for a diplomatic solution. The inspection system works. The inspection system has worked in the face of lies, stonewalling, obstacle after obstacle after obstacle. The people who have done that work deserve the thanks of civilized people throughout the world. It has worked.

That is all we want. And if we can find a diplomatic way to do what has to be done, to

do what he promised to do at the end of the Gulf War, to do what should have been done within 15 days—within 15 days of the agreement at the end of the Gulf war—if we can find a diplomatic way to do that, that is by far our preference. But to be a genuine solution and not simply one that glosses over the remaining problem, a diplomatic solution must include or meet a clear, immutable, reasonable, simple standard: Iraq must agree, and soon, to free, full, unfettered access to these sites, anywhere in the country. There can be no dilution or diminishment of the integrity of the inspection system that UNSCOM has put in place.

Now, those terms are nothing more or less than the essence of what he agreed to at the end of the Gulf war. The Security Council many times since has reiterated this standard. If he accepts them, force will not be necessary. If he refuses or continues to evade his obligation through more tactics of delay and deception, he, and he alone, will be to blame for the consequences.

I ask all of you to remember the record here: what he promised to do within 15 days of the end of the Gulf war, what he repeatedly refused to do, what we found out in '95, what the inspectors have done against all odds.

We have no business agreeing to any resolution of this that does not include free, unfettered access to the remaining sites by people who have integrity and proven competence in the inspection business. That should be our standard. That's what UNSCOM has done, and that's why I have been fighting for it so hard. That's why the United States should insist upon it.

Now let's imagine the future. What if he fails to comply and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal. And I think every one of you who has really worked on this for any length of time believes that, too.

Now, we have spent several weeks building up our forces in the Gulf and building a coalition of like-minded nations. Our force posture would not be possible without the support of Saudi Arabia, of Kuwait, Bahrain, the GCC States, and Turkey. Other friends and allies have agreed to provide forces, bases, or logistical support, including the United Kingdom, Germany, Spain and Portugal, Denmark and The Netherlands, Hungary and Poland and the Czech Republic, Argentina, Iceland, Australia, New Zealand, and our friends and neighbors in Canada. That list is growing, not because anyone wants military action but because there are people in this world who believe the United Nations resolution should mean something, because they understand what UNSCOM has achieved, because they remember the past, and because they can imagine what the future will be, depending on what we do now.

If Saddam rejects peace and we have to use force, our purpose is clear: We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program. We want to seriously reduce his capacity to threaten his neighbors. I am quite confident from the briefing I have just received from our military leaders that we can achieve the objectives and secure our vital strategic interests.

Let me be clear: A military operation cannot destroy all the weapons of mass destruction capacity. But it can and will leave him

significantly worse off than he is now in terms of the ability to threaten the world with these weapons or to attack his neighbors. And he will know that the international community continues to have will to act if and when he threatens again.

Following any strike, we will carefully monitor Iraq's activities with all the means at our disposal. If he seeks to rebuild his weapons of mass destruction we will be prepared to strike him again. The economic sanctions will remain in place until Saddam complies fully with all U.N. resolution.

Consider this: Already these sanctions have denied him \$110 billion. Imagine how much stronger his armed forces would be today, how many more weapons of mass destruction operations he would have hidden around the country if he had been able to spend even a small fraction of that amount for a military rebuilding.

We will continue to enforce a no-fly zone from the southern suburbs of Baghdad to the Kuwait border and in northern Iraq, making it more difficult for Iraq to walk over Kuwait again and threaten the Kurds in the north.

Now, let me say to all of you here, as all of you know, the weightiest decision any President ever has to make is to send our troops into harm's way. And force can never be the first answer. But sometimes it's the only answer.

You are the best prepared, best equipped, best trained fighting force in the world. And should it prove necessary for me to exercise the option of force, you commanders will do everything they can to protect the safety of all the men and women under their command. No military action, however, is risk-free. I know that the people we may call upon in uniform are ready. The American people have to be ready as well.

Dealing with Saddam Hussein requires constant vigilance. We have seen that constant vigilance pays off, but it requires constant vigilance. Since the Gulf war we have pushed back every time Saddam has posed a threat. When Baghdad plotted to assassinate former President Bush, we struck hard at Iraq's intelligence headquarters. When Saddam threatened another invasion by massing his troops in Kuwait, along the Kuwaiti border in 1994, we immediately deployed our troops, our ships, our planes, and Saddam backed down. When Saddam forcefully occupied Irbil in northern Iraq, we broadened our control over Iraq's skies by extending the no-fly zone.

But there is no better example, again I say, than the U.N. weapons inspections system itself. Yes, he has tried to thwart it in every conceivable way. But the discipline, determination, the year-in, year-out effort of these weapons inspectors is doing the job. And we seek to finish the job.

Let there be no doubt, we are prepared to act. But Saddam Hussein could end this crisis tomorrow, simply by letting the weapons inspectors complete their mission. He made a solemn commitment to the international community to do that and to give up his weapons of mass destruction a long time ago, now. One way or the other, we are determined to see that he makes good on his own promise.

Saddam Hussein's Iraq reminds us of what we learned in the 20th century and warns us of what we must know about the 21st. In this century we learned through harsh experience that the only answer to aggression and illegal behavior is firmness, determination, and, when necessary, action. In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized

criminals, who travel the world among us unnoticed.

If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program. But if we act as one, we can safeguard our interests and send a clear message to every would-be tyrant and terrorist that the international community does have the wisdom and the will and the way to protect peace and security in a new era.

That is the future I ask you all to imagine. That is the future I ask our allies to imagine. If we look at the past and imagine that future, we will act as one together. And we still have, God willing, a chance to find a diplomatic resolution to this and, if not, God willing, a chance to do the right thing for our children and grandchildren.

Thank you very much.

Note: The President spoke at 12:37 p.m. in the auditorium. In his remarks, he referred to President Saddam Hussein of Iraq.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I commend our distinguished senior colleague from Alaska. He speaks with a corporate memory dating back to when at age 17 he went into World War II and, as he said, flew those combat missions.

I am proud of what the President has shown by way of leadership, and I said the other night, yes, I feel I know most of the facts but he may know a few more, and I repose trust in his judgment and his team to make the right decision. I wish to associate myself with the remarks of my distinguished colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, Senator STEVENS is the senior Republican in terms of time—I am sure many people do not know it, but I am second—and I want to say I am very proud that he has said what he said.

Many people speak all the time. The Senator from Alaska speaks when it is important. He does not come to the Chamber and engage himself in rhetoric. He is too busy doing tough work. He understands this issue.

Truly, many of the Democrats ought to be ashamed of themselves. We try to support Presidents. We would have supported President Bill Clinton if he had done what he was talking about in that statement the Senator read. I do not think there is any doubt about it. We would not have questioned whether he had the right security briefing and whether he knew what he was doing.

Our President has been warning us, he has been going back to the table, letting the inspectors go in again, coming to the American people, going to the U.N., and nothing happens. As a matter of fact, I believe it is correct, when the Senator cites the date that President Clinton gave that speech, I do not believe anything of a positive nature has happened in Iraq at the hands of Saddam Hussein since that time. It has gotten worse, if anything. He has not ameliorated or made any-

thing better, to my knowledge, and look what it was like on the date the Senator read in his statement.

I commend the Senator, and I do believe the resolution introduced today ought not deter anyone from what we are doing. It ought not change minds in this Senate which voted overwhelmingly in support of our President. I thank the Senator for what he has said.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I am delighted to join my colleagues in talking about the situation in Iraq and what the President has said and what some of our colleagues on the other side of the aisle are saying, that we need to wait, and wait longer.

I will make a few simple points. I have served on the Middle East subcommittee since I have been in the Senate. I have chaired it for a good portion of the time. I have worked on the issue of Iraq since 1996. I have worked with the Iraqi opposition. I have held hearings on this topic. We have had meetings with the then UNSCOM inspectors. We have really worked the full gamut of what is taking place in Iraq. My colleagues on the other side want to wait longer. We have waited 12 years. How much longer do we need to wait?

They want to allow the weapons inspectors to work longer. We had them in there for a number of years and then Saddam Hussein threw them out. They have only been back for a short period of time. I remind my colleagues that we were not finding anything when the weapons inspectors were there prior to 1998. We did not find anything until we had some high level defections on the part of the Iraqis. That is when we started finding things.

Iraq is a country the size of California. It has a dedicated leader who is seeking to thwart the will of the international community to disarm. He is trying to hide items that may be the size of a 5-gallon bucket. He is manufacturing biological weapons and moving them on mobile units the size of a van. He is trying to hide them in a place the size of California, and there are only 120 inspectors in Iraq, as the President suggested last night, in some sort of scavenger hunt. The idea was not that we would go into Iraq and have to find these items. It was that Iraq would step forward and disarm and say we agree, we are going to disarm. That was what they were supposed to do, come forward and disarm. Instead, we have this hide-and-seek that Saddam continues. It is what he did when we had weapons inspectors in Iraq previously. It is what he continues to do now.

What happens if we wait? Let's say we agree we are going to wait. Maybe we will find something, maybe not. What if we do find something else? Is that going to be enough for us to move forward and say we need to completely disarm Saddam Hussein? I think we are

left with a similar set of circumstances-plus, if we do not do anything.

Let's say we do not do anything, we let this go on for another couple of years because there is not an impetus now to really move. Saddam has biological and chemical weapons. He has terrorists on his soil. At any time, he can easily start distributing the chemical and biological weapons to terrorists, who know no bounds. I could easily see us in 2 years with a special committee of the Senate, holding hearings as to how did these biological weapons come in from Iraq, that were distributed to terrorists, to be used against U.S. citizens. I think it is a clear possibility that it would occur.

Nobody wants to go to war. None of us want to do that. That is an absolute last option. We have been working for 12 years with economic sanctions. We have been working for 12 years with no-fly zones. We have been working with the Iraqi opposition. We have been doing everything we can, and yet now we are at this point in time where he has terrorists and weapons of mass destruction together on his soil, and more people are saying, wait.

Wait for what? So they can distribute them further? So that he can attack us?

I realize we all have difficulty with moving forward to a war situation. We do not want to do that. We want to respond if somebody comes at us. The problem with this new war on terrorism is that the terrorists, when they attack, attack civilian targets. They want to try and kill as many people as possible. By our waiting, we actually invite them to come forward.

Some might suggest if we act, we are going to further foment difficulty in the region of the United States. I point out that even prior to September 11, we had 10 years where there were attacks on the United States, on our people, in foreign places by these terrorist groups. We had two embassies in Africa that were attacked by terrorist groups. We had the USS *Cole* attacked by terrorist groups. We had Khobar Towers. They have attacked us for a period of 10 years.

People are saying, show restraint or else they will act more. We have seen it for 10 years, showing restraint. Then we had September 11, and we responded aggressively in Afghanistan. That was a fully appropriate way to respond. If we wait for the terrorists, they will continue to come at us. If we sit and wait, it does not mean they will stop. They will not stop. They have not stopped in the past. They are going to continue to come at the United States because they do not believe in what we believe. They are attacking our sets of values by attacking our civilians, our civilian population.

No one wants to go to war. That is the last thing anyone wants. In this situation, not to move forward is to invite more catastrophic events to happen to our citizenry and to citizens around the world.

Remember, terrorists go at soft targets. They go at the twin towers. They

do not go at military targets. They did go at the Pentagon, but they went at Bali most recently. They will continue to go at civilian targets. They will go at the soft targets. If they have biological and chemical weapons, they will kill that many more people if we fail to act.

I was raised in Kansas. On Saturday night, we would watch "Gunsmoke." That was a great show and a favorite of mine. At the end of every "Gunsmoke" episode, Matt Dillon walks out on Main Street and the bad guy walks out on Main Street. They face off. The bad guy pulls the gun, Matt shoots, and the other guy goes down. That is the way every show ended: Nice, clean, good versus evil. Evil at the last minute is allowed to walk away. He could walk away or he is going down. He never does. He pulls his gun, and Matt Dillon always shoots him down.

There is a sense of honor that we always let the other side, the bad side, go first. You get to pull the trigger because you always have a chance to walk away. What if we do that with terrorists? We have a sense of honor that we should let the other side go first. If you let terrorists go first, they do not walk out on Main Street of Dodge City and face Matt Dillon. They go around the back alleys. They are looking for people who are sleeping. They are looking for families. They are not looking for someone who is armed. They are looking for soft targets to hit, kill, and destroy. That is what they will continue to do.

Now, taking the other side of the argument, what if we do move? What if Saddam Hussein is moved out of power, as has been the stated policy of the United States since 1998 with the Iraq Liberation Act which President Bill Clinton signed into law? What if Saddam Hussein is removed from power by a coalition of the willing—it will be an international coalition—what takes place then?

We have a group of people, Iraqi opposition and others, who have been working on a democratic Iraq with opportunities for all people, for human rights, for people to be able to vote and to express their desires for that country. We have a country that sits on 10 percent of the world oil supplies and an ability to rebuild itself, an educated population that is willing to change. They want to change now. Iraqi opposition is united. We are hearing from people inside of Iraq who want to see a change. People inside the Iraq Government, inside the Iraq military, want to get out and into a different situation.

Look at the seeds of change sown within Iraq and that region, if you have coming forward a democracy, with human rights, with religious freedom, with freedom for women, with people able to vote and participate and a marketplace that allows people to participate. Look at the future for the people there in that region, in that country, if that is what takes place. There is a substantial positive benefit.

It all is with risk. It all has risk. Whether you choose to act or whether

you choose not to act, they both have risk. After looking at this matter for some period of time, the option of not acting has far more risk—little, if any, upside potential—than the choice of acting. And the choice of acting has a downside potential. But it has substantial upside potential, and it does not have the downside that not acting has.

Clearly, the President and his Cabinet and the people have thought this through. It is an extraordinarily difficult choice. Saddam Hussein still has the choice. He can still choose today to disarm and to engage in the international communities and comply with the 12 U.N. resolutions that have followed in the 12 years since he invaded Kuwait.

I point out, we need to remember: Saddam Hussein has attacked two adjacent countries. He has used chemical weapons against his own people and against the Iranians. He has used these weapons in the past. He has threatened to attack, and has attacked, his neighbors in the past. This is not a good man. He is not good for the world. He is certainly not good for the region. He does not get better with time, nor does the situation get better with time. The obligations only get worse.

For all these reasons, I applaud what the President has done. I applaud that he came to the Congress in the first place asking for a resolution. He got it. He got broad bipartisan support. I applaud that he went to the United Nations and got a resolution with broad international support. He has done the things we have asked. And now he is coming forward and saying: Look, Saddam Hussein, the time is running out. Either act now or actions will be taken.

The President has done most of the things we have asked him to do. He has tried to engage the world and get an international coalition. A number of other countries will join. We should back the administration at this point and not try to do more second-guessing or buying of time for Saddam Hussein to develop more weaponry, to develop more terrorist networks to supply and provide the things the terrorist networks want to be able to threaten and to kill our people.

For all these reasons, I hope we will not back a resolution calling for allowing of more time and, instead, support the administration's efforts as they move forward, trying to find a peaceful solution but, if not, forcing Saddam Hussein to choose whether he is going to hold on to his weapons of mass destruction or whether he is going to hold on to power. It is a difficult choice the President has to make and we have to make. We have looked at this pretty thoroughly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). 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 (Mr. COLEMAN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATION OF SECRETARY GORDON ENGLAND

Ms. COLLINS. Mr. President, I rise tonight in strong support for the nomination of Secretary Gordon England to be the first Deputy Secretary of Homeland Security. I thank the majority leader, in cooperation with the Democratic leader, for promptly scheduling the Senate's consideration of this very important nomination.

President Bush nominated Secretary England on January 7. The Governmental Affairs Committee, which I am privileged to chair, held a hearing on his nomination last Friday, and today, I am pleased to report, the committee unanimously voted to discharge the nominee from consideration. The committee thoroughly considered the nomination at a hearing on Friday. In addition, Secretary England responded to extensive prehearing questions about a wide variety of issues.

I have no doubt, based on my review of the record, and my conducting of the hearing, that Secretary England is extraordinarily well qualified for this position. In fact, it is difficult for me to think of two more qualified Americans than Tom Ridge and Gordon England to head up this vital new Department.

Secretary England currently serves as Secretary of the Navy. As a member of the Senate Armed Services Committee, I have gotten to know him well in that capacity. I have enormous regard for his ability. He has held that position since May of 2001.

Prior to becoming our Secretary of the Navy, Gordon England had an impressive portfolio of management experience. He served as executive vice president of General Dynamics Corporation, and he previously served in various executive positions at a number of General Dynamics divisions. His experience in both the public and the private sectors will provide him with exactly the experience and expertise needed to oversee the merger of some 22 agencies and 170,000 Federal employees that will be transferred into this new Department.

As preparation for being Deputy Secretary of Homeland Security, it would be difficult to beat a tour as Secretary of the Navy. The Department of the

Navy has a budget of over \$100 billion. It consists of 372,000 active duty and 90,000 Reserve sailors, 172,000 active duty and 40,000 Reserve marines.

In addition, as Secretary of the Navy, Gordon England has overseen a civilian workforce of nearly 190,000 employees. That number, I note, exceeds the number in the workforce of the new Department. We often talk about what a management challenge it is going to be to the leaders of this new Department to oversee 170,000 civilian employees. As Secretary of the Navy, Gordon England has overseen a civilian workforce that exceeds that number, not to mention the sailors and marines under his jurisdiction.

Secretary England's extensive experience in managing large, complex operations in both the public and private sectors will serve him well in his new position. I have been very fortunate to have had the pleasure of working with him when he was Secretary of the Navy, and I look forward to continuing our partnership in his new capacity.

I urge my colleagues to support confirmation of this important nomination. The new Department of Homeland Security opened its doors officially last Friday, and it is critical that we get the top management positions filled as quickly as possible.

Mr. President, I do hope this nominee will be approved unanimously.

I yield the floor.

Mr. FRIST. Mr. President, I rise today to draw attention to an alarming issue—the growing number of premature births. According to data released by the National Center for Health Statistics, the percentage of babies born prematurely—birth at less than 37 completed weeks of gestation—has risen to nearly 12 percent, the highest level ever reported in the United States. In 2001 alone, more than 476,000 babies were born prematurely in the U.S. Unfortunately, in my own State of Tennessee, 14 percent of births are preterm. There cannot be a clearer wake-up call for us.

Today, the March of Dimes is launching a national, five-year prematurity awareness, education, and research effort aimed at preventing prematurity, the leading cause of infant death in the first month of life. I cannot imagine a better organization to take on this serious problem. Over its 63-year history, the March of Dimes has conducted two highly successful national campaigns—the first focused on preventing polio and the second involved educating the public and health providers on the role of folic acid in preventing neural tube defects. My friend, former Health and Human Services Secretary, Dr. Louis Sullivan, is the honorary chair of this campaign, and I salute him for his continued commitment to the public's health.

I'm pleased to be able to salute and encourage this new campaign which holds the promise of significantly reducing the incidence of premature birth throughout the country. Babies

born prematurely are more likely to face serious multiple health problems following delivery: a tragedy for families but one which may be preventable.

Since coming to the Senate, I have focused on disparities in healthcare quality and access. Prematurity is one of the clearest indices of this problem. Rates of preterm birth vary significantly by race and ethnicity. In 2001, rates for black women were highest among all racial and ethnic subgroups—17.5 percent for black as compared to 11 percent for white Americans. We simply do not know why these numbers vary so dramatically. But without further research, our public policy options are limited.

Our great health research institutions also have an important role. I have fought for the five-year doubling of NIH's budget. With this significant increase in funding, the National Institute for Child Health and Human Development and the National Center on Minority Health and Health Disparities can expand research in this area.

I ask all of my colleagues to join me today in congratulating the March of Dimes on its launch of this new national campaign to target the rising rate of premature births.

ERRONEOUS TIME MAGAZINE REPORT

Mr. REID. Mr. President, last week in recognition of Dr. Martin Luther King's birthday, I spoke about the importance of continuing his legacy and working to ensure that the civil rights of all Americans are protected. I discussed my concerns that some of the current administration's policies jeopardize the gains our Nation has made.

In prefacing my remarks last week, I criticized President Bush, based on a disturbing report that recently appeared in Time magazine declaring that this administration had reinstated the tradition of delivering a floral wreath to the Confederate Memorial at Arlington National Cemetery.

The information I referenced in my speech was inaccurate, as Time magazine has subsequently issued a correction clarifying that the wreath practice was not initiated by President Bush, but in fact had been done by previous administrations. I, therefore, apologize to President Bush, as my remarks regarding the floral arrangement were inaccurate.

I do think this exercise should be discontinued by President Bush, regardless of the past history of the practice.

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 November 4, 2001 in Hendersonville, N.C. A man shot into the home of a Hispanic family. The assailant, Gene Autry Williams, 60, was heard to yell racial slurs at the family before shooting at them in their home. Williams was charged with assault for pointing and discharging a firearm, and for ethnic intimidation.

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.

CORPORATE WHISTLEBLOWER PROTECTIONS IN THE SARBANES-OXLEY ACT

Mr. LEAHY. Mr. President, I rise to note an important victory in the fight to protect whistleblowers and to praise my good friend Senator CHUCK GRASSLEY for his leadership in this fight.

The Washington Post reported yesterday that the Department of Labor has reversed its view on how it will interpret an important provision of the Sarbanes-Oxley Act on corporate misconduct. The provision we enacted provides a Federal law protecting corporate whistleblowers from retaliation for the first time. The law was designed to protect people like Sherron Watkins from Enron, who was recently named one of Time magazine's "People of the Year," from retaliation when they report fraud to Federal investigators, regulators, or to any Member of Congress. The law was intentionally written to sweep broadly, protecting any employee of a publicly traded company who took such reasonable action to try to protect investors and the market.

The reason that Senator GRASSLEY and I know so much about the legislative intent behind this provision is that we crafted it together last year in the Judiciary Committee and worked to make it part of the Sarbanes-Oxley Act on the Senate floor. We had both seen enough cases where corporate employees who possessed the courage to stand up and 'do the right thing' found out the hard way that there is a severe penalty for breaking the 'corporate code of silence.' Indeed, in the Enron case itself we discovered an e-mail from outside counsel that noted that the Texas Supreme Court had twice refused to find a legal protection for corporate whistleblowers and that implicitly gave Enron the go ahead to fire Ms. Watkins for reporting accounting irregularities.

Senator GRASSLEY has always been a leader in protecting the rights of whistleblowers, and I was proud to work with him in the area of corporate reform to craft such a groundbreaking law.

Unfortunately, from the very day that President Bush signed the Sar-

banes-Oxley Act into law, Senator GRASSLEY and I had to fight the administration to make sure that the law would not be gutted. On the same night that the law was signed, the White House issued an interpretation that incorrectly and narrowly interpreted our provision. Specifically, the White House stated that corporate whistleblower's disclosure to Congress would not be protected unless the whistleblower made the report to a congressional committee already conducting an authorized investigation. This interpretation was at odds with the legislative intent and the clear statutory language of the Act, which protected reasonable reports of fraud to "any Member of Congress."

Senator GRASSLEY and I had good reason to write the law with such broad coverage. Most corporate whistleblowers do not know the ins and outs of the jurisdiction of Congress's various committees, nor should they be expected to. Simply picking up the phone and calling your local Senator or Representative to report a case of securities fraud should be protected. In addition, by definition most "whistleblowers" are reporting fraud that is not widely known. They are blowing the whistle. Thus, their revelations do not come as part of already commenced investigations. They may lead to such investigations as well as contribute to them. The White House interpretation would have excluded among the most important revelations of corporate fraud made to Congress.

The administration's interpretation was reinforced the next day when the White House spokesman repeated that there were limits on the types of disclosures to Congress that would be protected. Finally, in addition to these White House interpretations, former Solicitor of Labor Eugene Scalia filed a troubling brief that adopted this narrow interpretation not only in the context of the Sarbanes-Oxley Act, but regarding the environmental whistleblower provisions, as well.

That is where Senator GRASSLEY stepped in. As he has done so many times before, under both Republican and Democratic administrations, he went to bat for the rights of the lone whistleblower against the huge bureaucracy. Once again, through his perseverance, he has proven that you can fight not only city hall but the executive branch of the Federal Government.

Working together, we wrote a series of letters to the administration protesting their narrow interpretations and making the legal case that they were at odds with the legislative intent and clear language of the provision that we wrote. Each and every time that the administration responded by stonewalling or giving half answers, Senator GRASSLEY was there to protect the law we had worked so hard to write.

Finally, on January 24, 2003, almost a half year after our first letter, the administration gave in. In a letter from

the new Acting Solicitor of Labor to Senator GRASSLEY and to me he stated, "It is the Department's view that under Sarbanes-Oxley, complaints to individual Members of Congress are protected, even if such Member is not conducting an ongoing Committee investigation within the jurisdiction of a particular Congressional committee." The letter promised that new rules and regulations effectuating this policy change would follow.

I am quite sure that when those regulations come out that Senator GRASSLEY will once again be paying close attention, as will I. Where the integrity of our financial markets and our Government are concerned, we can do no less. I look forward to working with Senator GRASSLEY to protect the rights of whistleblowers in the 108th Congress, as we did in the 107th Congress. It is an honor and a privilege to work with Senator GRASSLEY on these important matters.

I ask unanimous consent that the letters I have referenced above and the Washington Post story, be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 31, 2002.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As coauthors of the recent corporate whistleblower provision in the Corporate and Criminal Fraud Accountability Act, section 806 of the Sarbanes-Oxley Act, we are writing to express our shared concern about interpretive statements made by the White House staff only hours after you signed the Act into law.

According to media reports, the White House views this bipartisan provision, which was approved unanimously both by the Judiciary Committee and the full Senate, as protecting employees only if they report fraud to Congress "in the course of an investigation." This narrow interpretation is at odds with the plain language of the statute and risks chilling corporate whistleblowers who wish to report securities fraud to Members of Congress.

The provision in question, codified at 18 U.S.C. §1514A, states that it applies to disclosures of fraud whenever "the information or assistance is provided to or the investigation is conducted by . . . any Member of Congress or any committee of Congress." (emphasis added). By its plain terms, there is no limitation either to ongoing investigations of Congress or to matters within the jurisdiction of any Congressional Committee.

The reason for this is obvious. Few whistleblowers know, nor should they be expected to know, the jurisdiction of the various Committees of Congress or the matters currently under investigation. The most common situation, and one that the recent Administration's statement excludes from protection, is a citizen reporting misconduct to his or her own Representative or Senator, regardless of their committee assignments. Such disclosures are clearly covered by the terms of the statute.

We request that you review and reconsider the Administration's interpretation of section 806 of the Sarbanes-Oxley Act. It embodies a flawed interpretation of the clearly

worded statute and threatens to create unnecessary confusion and to discourage whistleblowers such as Sherron Watkins and Coleen Rowley from reporting corporate fraud to Congress.

Sincerely,

PATRICK LEAHY,
Chairman.
CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 1, 2002.

Hon. ALBERTO R. GONZALES,
Counsel to the President, The White House,
Washington, DC.

DEAR MR. GONZALES: We appreciate your letter received today seeking to clarify the President's statement regarding the corporate whistleblower provisions in the Corporate and Criminal Fraud Accountability Act, section 806 of the Sarbanes-Oxley Act.

While the President's earlier statement was: "Given that the legislative purpose of Section 1514A of title 18 of the U.S. Code, enacted by section 806 of the Act, is to protect against company retaliation for lawful cooperation with investigations and not to define the scope of investigative authority or to grant new investigative authority, the executive branch shall construe section 1514(a)(1)(B) as referring to investigations authorized by the rules of the Senate or the House of Representatives and conducted for a proper legislative purpose."

Your letter now clarifies that contrary to the sweeping language above, "the President's statement provides guidance to the executive branch in construing the provision only on a single, very narrow point. . . ." (Emphasis added). That narrow point being what is defined as an "investigation" for purpose of the Act, and not all of section 1514(a)(1)(B), which you agree applies to more than merely investigations.

To ensure there is no confusion on this matter, and in light of seemingly broader interpretations provided by Whitehouse spokespersons, please respond to the following scenario.

An employee who works at a publicly traded company provides information to a Member of Congress (and assume for this question the Member is not a chairman or ranking member of a Committee and is not a member of a Committee with jurisdiction) regarding a violation as enumerated under Section 1514A(a)(1) of the Act. Finally, assume that there is no investigation being conducted by the Member at the time the information is provided. Do you believe that employee is or is not afforded the protections of Section 1514A?

There is no question in our minds that the Congressional intent (and the clear language of the statute) is that the answer to the above scenario is yes—the employee is protected, whether there is an investigation pending or not. Our desire is to protect the well-intentioned employee who contacts his elected representatives (or any representative for that matter) and not require that employee to consult the Congressional Directory and Congressional Record prior to making his call to determine whether he/she will be afforded the whistleblower protections of the Act.

The statute reflects this intent, protecting the actions of an employee of a publicly traded company: "(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to

fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by— . . . (B) any Member of Congress or any committee of Congress; . . ."

Section 1514A(a)(1). Emphasis added.

Thank you for your time and assistance. We look forward to your response.

Cordially yours,

PATRICK J. LEAHY,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member, Subcommittee on Crime and Drugs.

U.S. SENATE,
Washington, DC, January 15, 2003.

Hon. GEORGE W. BUSH,
President of the United States of America, The White House, Washington, DC.

DEAR PRESIDENT BUSH: I am writing in response to a letter of December 20, 2002, that the White House sent in response to Senator Grassley's and my joint letters of August 1 and October 31 expressing concerns regarding the Administration's enforcement of the corporate whistleblower provisions that we included in the Sarbanes-Oxley Act. I am dismayed at the Administration's overly narrow interpretation of these important whistleblower protection provisions in the corporate accountability legislation.

While I appreciate your response, it does little to clear the ambiguity created by the prior statements by the Administration, as set forth in our letters. It leaves potential whistleblowers like Sherron Watkins of Enron (who recently shared the honor of being selected Time Magazine's "Person of the Year" with two other whistleblowers) to guess at whether or not they can be fired for reporting an allegation of corporate fraud to their Representatives or Senators in Congress.

The unwillingness to clarify this matter is puzzling to me. After having confused the matter with a series of misleading and contradictory statements, the White House cannot simply state the scope of 18 U.S.C. §1514A "will ultimately be addressed by the courts." The ambiguity caused by the Administrations's own statements has now been allowed to persist for almost half a year, and it threatens effective enforcement of these important corporate reforms. In fact, White House spokesperson Ari Fleisher further fueled this ambiguity on July 31, 2002 by stating:

"What the action taken last night [the interpretive statement] does is say that it's up to Congress to determine, through its own rules and procedures, whether to grant individual members of Congress investigative powers that would trigger the statute.

"Nothing in the statute or the signing statement prevents Congress from granting that authority to whoever it chooses. This is a congressional issue, and a congressional decision.

"If Congress wants to allow individual members of the Congress, individual senators, individual House members, whether in the majority or the minority, no matter who they are, to conduct investigations, then that individual, if somebody was a whistleblower to that individual, the whistleblower would have all protections. If Congress decides that the only way to have an investigation is through the committee-authorized process, then the whistleblower will go through that committee. So this is a congressional matter and a congressional determination."

Thus, Mr. Fleisher's public statements on behalf of the White House leave the impression that the White House would require some type of additional Congressional rule-

making before affording the statute its full affect. Aside from being legally incorrect (an act of Congress passed nearly unanimously and signed into law by the President of the United States requires no further action to be fully enforced), such statements create a real risk. Corporate whistleblowers will be chilled from making reports of fraud unless they are assured that the law protects them from retaliation. It is incumbent upon the Administration to clear up the ambiguity which it has helped to create from an unambiguous statute.

Nor am I persuaded that, as you write, it would not be "appropriate" for the White House to provide a legal interpretation to a Member of Congress regarding a statute that the Administration is entrusted to enforce. The Executive Branch, unlike the courts, provides such interpretive guidance on a frequent basis both to Congress and to its own employees. In fact, when questions are not posed as policy-based hypotheticals, as Senator Grassley and I took pains to do in our letters, the Administration often refuses to answer because the questions do relate to a real, pending case. If the Executive Branch will not discuss policy on a theoretical basis, and refuses to discuss its actions on specific cases, then what remains?

Indeed, it would be nearly impossible to conduct effective oversight or to craft legislation designed to cure problems in the current law without a constructive dialogue between the Executive Branch and the Congress on precisely such issues. Understanding the Executive Branch's current interpretation of the law is particularly important in matters involving corporate reform. Our financial markets depend upon the confidence of the American people that our markets will be effectively policed, and creating uncertainty about the scope of important corporate reforms can destabilize such markets.

For these reasons, I urge you to answer all the questions posed in Senator Grassley's and my previous letters. Specifically, I request that you state definitively whether or not you believe that 18 U.S.C. §1514A protects a report of fraud or securities law violations by an employee of a publicly traded company to "any" member of Congress and whether the Department of Labor and the Department of Justice have been instructed not to take any contrary position in future litigation.

Thank you for your prompt response in this matter.

Sincerely,

PATRICK LEAHY,
U.S. Senator.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
Washington, DC, January 24, 2003.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.
Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS GRASSLEY AND LEAHY: It was a pleasure meeting with your staff on January 7, 2003, to discuss issues relating to the implementation of the whistleblower provisions of the Sarbanes-Oxley Act of 2002. The President and Secretary Chao, who has responsibility to investigate and adjudicate allegations of retaliation under this law, share your view that these provisions are crucial to the federal government's efforts to combat corporate corruption.

In connection with the Department of Labor's implementation of the whistleblower protections of the Sarbanes-Oxley Act, I have reviewed a series of letters you exchanged with the Counsel to the President concerning the President's signing statement. In his December 20, 2002 letter, the

Counsel to the President explained that "the President's statement took no position on whether there is whistleblower protection for employees who lawfully report wrongdoing to individual Members of Congress, nor did it address whether whistleblower protection would be limited to those instances where there was an ongoing investigation or the disclosure related to a matter within the jurisdiction of a particular Congressional committee." The letter also indicated that representatives of the Department would be discussing the issues with your staff.

It is the Department's view that under Sarbanes-Oxley, complaints to individual Members of Congress are protected, even if such Member is not conducting an ongoing Committee investigation within the jurisdiction of a particular Congressional committee, provided that the complaint relates to conduct that the employee reasonably believes to be a violation of one of the enumerated laws or regulations. The Department currently is finalizing the draft of an Interim Final Rule and accompanying Preamble implementing the whistleblower provisions of the Sarbanes-Oxley Act. Although it would be inappropriate for me to provide you our draft text at this time, the Department's current intention is to clarify in the published document our view that complaints to "any Member of Congress or any committee of Congress" are covered by the whistleblower provisions of the Sarbanes-Oxley Act.

Thank you for your interest in this important matter.

Sincerely,

HOWARD M. RADZELY,
Acting Solicitor.

[From the Washington Post, Jan. 28, 2003]
LABOR DEPT. SHIFTS WHISTLE-BLOWER VIEW
UNDER ACT, WORKERS PROTECTED WHEN
EXPOSING WRONGDOING TO LAWMAKERS
(By Christopher Lee)

The Labor Department has changed its interpretation of a new corporate whistleblower law, a move that will afford workers who report wrongdoing to Congress greater protection against retaliation, two senators said yesterday.

In a letter Friday to Sens. Charles E. Grassley (R-Iowa) and Patrick J. Leahy (D-Vt.), Acting Solicitor Howard M. Radzely reversed the department's contention that only whistle-blower contacts with a "duly authorized" investigative committee of Congress were protected, not those with just any lawmaker. That initial department reading of the Sarbanes-Oxley Act, a corporate accountability law enacted last summer, conflicted with what the two senators said they intended when they wrote the whistle-blower protections into the bill.

"It is the department's view that . . . complaints to individual members of Congress are protected, even if such member is not conducting an ongoing committee investigation," Radzely wrote.

Grassley said the reversal would "make it easier for corporate whistle-blowers to be protected when they speak out on wrongdoing in the boardroom."

"It's a big victory," said Blythe McCormack, a spokeswoman for Leahy.

Grassley and Leahy have sent several letters to White House officials seeking assurances that the Bush administration understood the intent of the law. In September, then-Labor Department solicitor Eugene Scalia filed a friend-of-the-court brief with an administrative review board seeking to overturn a \$200,000 punitive damages award won by Assistant U.S. Attorney Gregory C. Sasse of Ohio in a whistle-blower case against the Justice Department.

Scalia, who resigned his post this month to return to private practice, had argued that

Sasse did not enjoy whistle-blower protection in his contacts with Rep. Dennis J. Kucinich (D-Ohio), who was looking into reports of toxic materials on federally owned land near the Cleveland airport. Only contacts with investigative panel members are protected, Scalia wrote.

Scalia also urged that a federal prosecutor could not sue the Justice Department over workplace disagreements involving priorities in government litigation.

Sasse, who still has his job, said his supervisors downgraded his performance reviews, did not grant him training opportunities and removed him from some cases in retaliation for his contacts with Kucinich. An administrative law judge ruled that the Justice Department had retaliated against Sasse and found that his contacts with Kucinich were protected.

The Justice Department appealed to the administrative review board, which has not yet ruled on the case.

Whistle-blower advocates said Scalia was attempting to use the case, which concerns whistle-blower provisions in environmental protection laws, to establish a precedent that would undermine whistle-blowers in cases against corporations.

Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a group that defends federal workers on environmental issues, said a central question of the Sasse case—whether federal prosecutors can be whistle-blowers—remains unresolved.

A Labor Department spokeswoman declined to comment on the case because it is in litigation.

Steven Bell, Sasse's attorney, said the department's reversal helps his client. "The Labor Department is acknowledging that the substance of the brief it filed is legally inaccurate," he said.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mr. INHOFE. Mr. President, in accordance with the rule XXVI (2) of the Senate, I ask unanimous consent that the rules of the Committee on Environment and Public Works, adopted by the committee today, January 29, 2003, be printed in the RECORD.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Rule 1. Committee meetings in general

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken

(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) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

Rule 2. Quorums

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

Rule 3. Hearings

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a non-governmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

Rule 4. Business meetings: Notice and filing requirements

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

Rule 5. Business meetings: Voting

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

Rule 6. Subcommittees

(a) Regularly Established Subcommittees: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety;

Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

Rule 7. Statutory responsibilities and other matters

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 8. Amending the Rules

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

SOUTH KOREA AND THE DEMILITARIZED ZONE

Mrs. FEINSTEIN. Mr. President, last December I traveled to South Korea in my capacity as chairman of the Appropriations Subcommittee on Military Construction, as well as a member of the Senate Select Committee on Intelligence. I was able to visit and talk with U.S. troops and inspect facilities. I also toured the DMZ, a chilling legacy of a war many Americans have already forgotten.

My visit could not have been more timely. The combination of saber-rattling in the North and anti-American protests in the South has made Korea front page news once again, as it faces its most complicated, and potentially explosive, crisis since the Korean war, 1950-53.

The Korean peninsula is a land of stunning beauty and startling contrasts. Divided at the end of World War II, following a long occupation by Japan, Korea continues to be one of the few reminders of what the world was like during the cold war.

North Korea is a quasi-Stalinist state which, since its formal creation in 1948, has been run by two men, Kim Il Sung, who died in 1994, and his son, Kim Jong Il. Still almost entirely closed to the Western World, North Korea is a stark and isolated country marked by repression and poverty.

Then, on the other side of the demilitarized zone, DMZ, perhaps the most tense border on Earth, is South Korea, a prosperous, Westernized democratic state. South Korea has been a staunch U.S. ally, and 37,000 U.S. troops have been stationed there for the past 40 years.

Waged from 1950 to 1953, the Korean war ended in a virtual stalemate, with the peninsula still divided. Mr. President, 54,246 American men and women died during that war, and although there are no precise figures for Korean casualties, conservative estimates put the figure at approximately 4 million, the majority of these being civilians.

On my trip to South Korea on the eve of the Presidential elections, I was surprised at the widespread anti-Americanism. Indeed, it was this issue, a growing sense that the United States was an imperial power indifferent to the needs and desires of the Korean people, that led Roh Moo Hyun to victory.

It is difficult to appreciate the situation on the Korean peninsula without a visit to the demilitarized zone. I was taken there in a helicopter by Gen. Leon LaPorte, our four-star general in command, who pointed out North Korean troop concentrations. It is an alarming sight, and in many ways a step back in time.

I then paid a visit to Panmunjom, a small village frozen in time, unchanged for half a century, which straddles the line separating North and South Korea. It was here that the Armistice ending the war was signed.

Seventy percent of the 1.2 million man North Korean army is deployed

along the DMZ, with enough heavy artillery to substantially damage Seoul and inflict casualties by the millions. And there are reports that nerve agents may also be deployed along the DMZ.

Since my visit, the 800,000 forward-deployed North Korean troops have been placed on high alert and are prepared to move instantly.

I believe the blame for precipitating this crisis lies squarely with North Korea, which clearly violated the Agreed Framework by beginning the surreptitious development of nuclear capacity.

North Korea has also expelled all international inspectors and equipment; withdrawn from the Nuclear Non-Proliferation Treaty; restarted its plutonium processing plants; moved thousands of plutonium rods out of locked safe storage back into the nuclear production line; and is enriching uranium for nuclear weapon purposes.

The government of Kim Jong Il has clearly placed its focus, not on feeding its people, but in developing its military, its missiles and its nuclear capability, all in defiance of treaties it has signed.

Yet it also appears that our own handling of events on the Korean peninsula over the past 2 years, as well as our broader foreign policy rhetoric and statements have served, ironically, to fuel North Korea's paranoia and made the situation much more difficult to manage.

Part of the problem has been our reluctance to endorse outgoing President Kim Dae Jung's "Sunshine Policy," a diplomatic and economic effort by the South Korean government to ease tensions with the North. President Kim was awarded the Nobel Peace Prize in 2000 for precisely these initiatives.

This move was perceived as a major humiliation in South Korea, helped set the stage for the rising tide of anti-Americanism, and was seen as a sign by the North that the administration was intent on a policy of isolation and confrontation.

The North Korean situation offers no easy solution. We should keep the door open to the possibility of high level discussion.

This ongoing crisis has also led many to rethink America's military presence on the Korean peninsula. Such periodic reviews are a good idea, but at the same time, I strongly believe that we should not do anything hastily.

And although overshadowed by the crisis, much of my trip to South Korea focused on determining how to best finance the reconfiguration of U.S. military installations in South Korea.

In the past 2 years alone, Congress has appropriated more than \$500 million for military construction in South Korea. Much of this money has gone to improve barracks and to begin to implement a program known as the Korean Land Partnership Plan.

This joint U.S.-Republic of Korea plan is designed to reduce the U.S.

military "footprint" in Korea, while at the same time upgrade facilities for U.S. soldiers. This latter effort is particularly important, seeing that the living and working conditions are among the poorest in the entire U.S. military.

Currently, the 37,000 U.S. troops stationed in South Korea are scattered among 41 troop installations and 54 small camps and support sites. Under the Land Partnership Plan, the number of troop installations would be reduced to 23, a move that I support.

When near the DMZ, I also visited Camp Casey, which is north of Uijongbu and occupied by some 6300 military and 2500 civilians. More than any other site I saw, Camp Casey clearly demonstrated the need for improved living conditions at the soldier barracks. This is an issue that deserves immediate attention in the 108th Congress.

As I mentioned earlier, I believe that the present crisis can be resolved. The United States should be more sensitive to our longstanding ally, South Korea, just as we should ensure that North Korea not be allowed to bully or intimidate its neighbors.

Finally, I believe that my trip could not have been more timely. It has given me a fresh and immediate perspective on a land and a people for which I have great admiration. Since returning to Washington, I have met with both the South Korean National Security Adviser and their Ambassador to the United States.

These talks, as well as those with my Senate colleagues and members of the Bush administration, give me confidence that we will be able to work well with President Roh, and that our bilateral relationship is strong enough to weather any short-term setbacks.

Lastly, I would once again like to thank Ambassador Thomas Hubbard and Gen. Leon LaPorte for all their assistance while I was in South Korea.

CHARLES KRAUTHAMMER'S "AMERICAN UNILATERALISM"

Mr. KYL. Mr. President, In a December 2002 speech delivered by the commentator, Charles Krauthammer, at the Hillsdale College Churchill dinner entitled "American Unilateralism," Mr. Krauthammer superbly articulates the necessity of American action to confront today's challenges in the international arena, most notably Iraq. He makes a compelling case against the two kinds of multilateralist thinking that are common today: that of the liberal internationalists and that of the pragmatic realists.

Liberal internationalists, Krauthammer shows, cling to multilateralism as a shield for their real preference—in this case, inaction. He aptly points out that those most strenuously opposed to U.S. military action in Iraq are also the strongest supporters of requiring U.N. backing. The reason, Krauthammer concludes, is that "they see the

U.N. as a way to stop America in its tracks." The liberal internationalist fails to take into account that there is no logical, or moral, basis for depending upon the member of the U.N. Security Council to confer legitimacy on U.S. actions.

Pragmatic realists, Krauthammer explains, understand the absurdity of the liberal internationalist's arguments, but believe that, nonetheless, the U.S. needs from a practical standpoint, international support to act. They believe that shared decisionmaking will result in good will, improved relations, and greater burdensharing. But, as Krauthammer demonstrates, our experiences in the gulf war prove otherwise.

It is important to note that Krauthammer does not see unilateralism as a first choice. Rather, he advocates taking actions that are in the best interest of the United States, bringing others along if possible. What he wisely cautions against is allowing ourselves "to be held hostage" by the objections of countries that don't have America's interests at heart. He describes unilateralism as "the high road to multilateralism." This may sound paradoxical, but it makes sense. It is American leadership, asserting a firm position and committing to take whatever actions are necessary to see if through, that enables a solid coalition to be built.

Charles Krauthammer's remarks are both timely and insightful as the United States discusses Iraqi non-compliance with members of the U.N. Security Council and contemplates military action in Iraq. I highly recommend them to my colleagues in the Senate.

I ask unanimous consent that Mr. Krauthammer's December 2002 speech be printed in the RECORD.

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

AMERICAN UNILATERALISM (By Charles Krauthammer)

American unilateralism has to do with the motives and the methods of American behavior in the world, but any discussion of it has to begin with a discussion of the structure of the international system. The reason that we talk about unilateralism today is that we live in a totally new world. We live in a unipolar world of a sort that has not existed in at least 1500 years.

At the end of the Cold War, the conventional wisdom was that with the demise of the Soviet Empire, the bipolarity of the second half of the 20th century would yield to a multi-polar world. You might recall the school of thought led by historian Paul Kennedy, who said that America was already in decline, suffering from imperial overstretch. There was also the Asian enthusiasm, popularized by James Fallows and others, whose thinking was best captured by the late-1980s witticism: "The United States and Russia decided to hold a Cold War: Who won? Japan."

Well they were wrong, and ironically no one has put it better than Paul Kennedy himself, in a classic recantation emphasizing America's power: "Nothing has ever existed like this disparity of power, nothing. Charlemagne's empire was merely Western

European in its reach. The Roman Empire stretched farther afield, but there was another great empire in Persia and a larger one in China. There is, therefore, no comparison."

We tend not to see or understand the historical uniqueness of this situation. Even at its height, Britain could always be seriously challenged by the next greatest powers. It had a smaller army than the land powers of Europe, and its navy was equaled by the next two navies combined. Today, the American military exceeds in spending the next twenty countries combined. Its Navy, Air Force and space power are unrivaled. Its dominance extends as well to every other aspect of international life—, not only military, but economic, technological, diplomatic, cultural, even linguistic, with a myriad of countries trying to fend off the inexorable march of MTV English.

Ironically, September 11 accentuated and accelerated this unipolarity. It did so in three ways. The first and most obvious was the demonstration it brought forth of American power. In Kosovo, we had seen the first war ever fought and won exclusively from the air, which gave the world a hint of the recent quantum leap in American military power. But it took September 11 for the U.S. to unleash, with concentrated fury, a fuller display of its power in Afghanistan. Being a relatively pacific commercial republic, the U.S. does not go around looking for demonstration wars. This one being thrust upon it, it demonstrated that at a range of 7,000 miles, with but a handful of losses and a sum total of 426 men on the ground, it could destroy, within weeks, a hardened fanatical regime favored by geography and climate in a land-locked country that was already well known as the graveyard of empires. Without September 11, the giant would surely have slept longer. The world would have been aware of America's size and potential, but not its ferocity and full capacities.

Secondly, September 11 demonstrated a new kind of American strength. The center of our economy was struck, aviation was shut down, the government was sent underground and the country was rendered paralyzed and fearful. Yet within days, the markets reopened, the economy began its recovery, the president mobilized the nation and a unified Congress immediately underwrote a huge worldwide war on terror. The Pentagon, with its demolished western façade still smoldering, began planning the war. The illusion of America's invulnerability was shattered, but with the demonstration of its recuperative powers, that sense of invulnerability assumed a new character. It was transmuted from impermeability to resilience—the product of unrivaled human, technological and political reserves.

The third effect of September 11 was the realignment it caused among the great powers. In 1990, our principal ally was NATO. A decade later, the alliance had expanded to include some of the former Warsaw Pact countries. But several major powers remained uncommitted: Russia and China flirted with the idea of an anti-hegemonic alliance, as they called it. Some Russian leaders made ostentatious visits to little outposts of the ex-Soviet Empire like North Korea and Cuba. India and Pakistan sat on the sidelines.

Then came September 11, and the bystanders lined up. Pakistan immediately made a strategic decision to join the American camp. India enlisted with equal alacrity. Russia's Putin, seeing a coincidence of interests with the U.S. in the war on terror and an opportunity to develop a close relation with the one remaining superpower, fell into line. Even China, while remaining more distant, saw a coincidence of interest with the

U.S. in fighting Islamic radicalism, and so has cooperated in the war on terror and has not pressed competition with the U.S. in the Pacific.

This realignment accentuated a remarkable historical anomaly. All of our historical experience with hegemony suggests that it creates a countervailing coalition of weaker powers. Think of Napoleonic France, or of Germany in the 20th century. Nature abhors a vacuum and history abhors hegemony. But in the first decade of post-Cold War unipolarity, not a single great power, arose to challenge America. On the contrary, they all aligned with the U.S. after September 11.

So we bestride the world like a colossus. The question is, how do we act in this new world? What do we do with our position?

Secretary of Defense Rumsfeld gave the classic formulation of unilateralism when he said, regarding Afghanistan—but it applies equally to the war on terror and to other conflicts—that "the mission determines the coalition." This means that we take our friends where we find them, but only in order to help us accomplish our mission. The mission comes first and we define the mission.

This is in contrast with what I believe is a classic case study in multilateralism: the American decision eleven years ago to conclude the Gulf War. As the Iraqi Army was fleeing the first Bush administration had to decide whether its goal in the war was the liberation of Kuwait or the liberation of Iraq. National Security Advisor Brent Scowcroft, who was instrumental in making the decision to stop with Kuwait, has explained that going further would have fractured the coalition, gone against our promises to our allies, and violated the U.N. resolutions under which we had gone to war. "Had we added occupation of Iraq and removal of Saddam Hussein to those objectives," he wrote, "our Arab allies, refusing to countenance an invasion of an Arab colleague, would have deserted us." Therefore we did not act. The coalition defined the mission.

LIBERAL INTERNATIONALISM

There are two schools of committed multilateralists, and it is important to distinguish between them. There are the liberal internationalists who act from principle, and there are the realists who act from pragmatism. The first was seen in the run-up to the congressional debate on the war on Iraq. The main argument from opposition Democrats was that we should wait and hear what the U.N. was saying. Senator Kennedy, in a speech before the vote in Congress, said, "I'm waiting for the final recommendation of the Security Council before I'm going to say how I'm going to vote." Senator Levin, who at the time was the Chairman of the Senate Armed Services Committee, actually suggested giving authority to the President to act in Iraq only upon the approval of the U.N. Security Council.

The liberal internationalist position is a principled position, but it makes no internal sense. It is based on a moral vision of the world, but it is impossible to understand the moral logic by which the approval of the Security Council confers moral legitimacy on this or any other enterprise. How does the blessing of the butchers of Tiananmen Square, who hold the Chinese seat on the Council, lend moral authority to anything, let alone the invasion of another country? On what basis is moral legitimacy lent by the support of the Kremlin, whose central interest in Iraq, as all of us knows, is oil and the \$8 billion that Iraq owes Russia in debt? Or of the French, who did everything that they could to weaken the resolution, then came on board at the last minute because they saw that an Anglo-American train was possibly leaving for Baghdad, and they didn't want to be left at the station?

My point is not to blame the French or the Russians or the Chinese for acting in their own national interest. That's what nations do. My point is to express wonder at Americans who find it unseemly to act in the name of our own national interest, and who cannot see the logical absurdity of granting moral legitimacy to American action only if it earns the prior approval of others which is granted or withheld on the most cynical grounds of self-interest.

PRACTICAL MULTILATERALISM

So much for the moral argument that underlies multilateralism. What are the practical arguments? There is a school of realists who agree that liberal internationalism is nonsense, but who argue plausibly that we need international or allied support, regardless. One of their arguments is that if a power consistency shares rule making with others, it is more likely to get aid and assistance from them.

I have my doubts. The U.S. made an extraordinary effort during the Gulf War to get U.N. support, share decision-making and assemble a coalition. As I have pointed out, it even denied itself the fruits of victory in order to honor coalition goals. Did this diminish anti-Americanism in the region? Did it garner support for subsequent Iraq policy—policy dictated by the original acquiescence to that coalition? The attacks of September 11 were planned during the Clinton administration, an administration that made a fetish of consultation and did its utmost to subordinate American hegemony. Yet resentments were hardly assuaged, because extremist rage against the U.S. is engendered by the very structure of the international system, not by our management of it.

Pragmatic realists value multilateralism in the interest of sharing burdens, on the theory that if you share decision-making, you enlist others in your own hegemonic enterprise. As proponents of this school and argued recently in Foreign Affairs, "Straining relationships now will lead only to a more challenging policy environment later on." This is a pure cost-benefit analysis of multilateralism versus unilateralism.

If the concern about unilateralism is that American assertiveness be judiciously rationed and that one needs to think long-term hardly anybody will disagree. One does not go it alone or dictate terms on every issue. There's no need to. On some issues, such as membership in the World Trade Organization, where the long-term benefit both to the U.S. and to the global interest is demonstrable, one willingly constricts sovereignty. Trade agreements are easy calls, however, free trade being perhaps the only mathematically provable political good. Other agreements require great skepticism. The Kyoto Protocol on climate change, for example, would have had a disastrous effect on the American economy, while doing nothing for the global environment. Increased emissions from China, India and other third-world countries which are exempt from its provisions clearly would have overwhelmed and made up for what-ever American cuts would have occurred. Kyoto was therefore rightly rejected by the Bush administration. It failed on its merits, but it was pushed very hard nonetheless, because the rest of the world supported it.

The same case was made during the Clinton administration for chemical and biological weapons treaties, which they negotiated assiduously under the logic of, "Sure, they're useless or worse, but why not give in, in order to build good will for future needs?" The problem is that appeasing multilateralism does not assuage it; appeasement only legitimizes it. Repeated acquiescence on provisions that America deems injurious reinforces the notion that legitimacy

derives from international consensus. This is not only a moral absurdity. It is injurious to the U.S., because it undermines any future ability of the U.S. to act unilaterally, if necessary.

The key point I want to make about the new unilateralism is that we have to be guided by our own independent judgment, both about our own interests and about global interests. This is true especially on questions of national security, war making, and freedom of action in the deployment of power. America should neither defer nor contract out such decision-making, particularly when the concessions involve permanent structural constrictions, such as those imposed by the International Criminal Court. Should we exercise prudence? Yes. There is no need to act the superpower in East Timor or Bosnia, as there is in Afghanistan or in Iraq. There is no need to act the superpower on steel tariffs, as there is on missile defense.

The prudent exercise of power calls for occasional concessions on non-vital issues, if only to maintain some psychological goodwill. There's no need for gratuitous high-handedness or arrogance. We shouldn't, however, delude ourselves as to what psychological goodwill can buy. Countries will cooperate with us first out of their own self-interest, and second out of the need and desire to cultivate good relations with the world's unipolar power. Warm feelings are a distant third.

After the attack on the USS *Cole*, Yemen did everything it could to stymie the American investigation. It lifted not a finger to suppress terrorism at home, and this was under an American administration that was obsessively multilateralist and accommodating. Yet today, under the most unilateralist American administration in memory, Yemen has decided to assist in the war on terrorism. This was not the result of a sudden attack of Yemeni goodwill, or of a quick re-reading of the Federalist Papers. It was a result of the war in Afghanistan, which concentrated the mind of recalcitrant states on the price of non-cooperation.

Coalitions are not made by superpowers going begging hat in hand; they are made by asserting a position and inviting others to join. What even pragmatic realists fail to understand is that unilateralism is the high road to multilateralism. It was when the first President Bush said that the Iraqi invasion of Kuwait would not stand, and made it clear that he was prepared to act alone if necessary, that he created the Gulf War coalition.

AMERICA'S SPECIAL ROLE

Of course, unilateralism does not mean seeking to act alone. One acts in concert with others when possible. It simply means that one will not allow oneself to be held hostage to others. No one would reject Security Council support for war on Iraq or for any other action. The question is what to do if, at the end of the day, the Security Council or the international community refuses to back us? Do we allow ourselves to be dictated to on issues of vital national interest? The answer has to be "no," not just because we are being willful, but because we have a special role, a special place in the world today, and therefore a special responsibility.

Let me give you an interesting example of specialness that attaches to another nation. During the 1997 negotiations in Oslo over the land mine treaty, when just about the entire Western world was campaigning for a land mine ban, one of the holdouts was Finland. The Finnish prime minister found himself scolded by his Scandinavian neighbors for stubbornly refusing to sign on the ban. Finally, having had enough, he noted tartly that being foursquare in favor of banning

land mines was a "very convenient" pose for those neighbors who "want Finland to be their land mine."

In many parts of the world, a thin line of American GIs is the land mine. The main reason that the U.S. opposed the land mine treaty is that we need them in places like the DMZ in Korea. Sweden and Canada and France do not have to worry about an invasion from North Korea killing thousands of their soldiers. We do. Therefore, as the unipolar power and as the guarantor of peace in places where Swedes do not tread, we need weapons that others do not. Being uniquely situated in the world, we cannot afford the empty platitudes of allies not quite candid enough to admit that they live under the protection of American power. In the end, we have no alternative but to be unilateralist. Multilateralism becomes either an exercise in futility or a cover for inaction.

The futility of it is important to understand. The entire beginning of the unipolar age was a time when this country, led by the Clinton administration, eschewed unilateralism and pursued multilateralism with a vengeance. Indeed, the principal diplomatic activity of the U.S. for eight years was the pursuit of a dizzying array of universal treaties: the comprehensive test ban treaty, the chemical weapons convention, the biological weapons convention, Kyoto and, of course, land mines.

In 1997, the Senate passed a chemical weapons convention that even its proponents admitted was useless and unenforceable. The argument for it was that everyone else had signed it and that failure to ratify would leave us isolated. To which we ought to say: So what? Isolation in the name of a principle, in the name of our own security, in the name of rationality is an honorable position.

Multilateralism is at root a cover for inaction. Ask yourself why those who are so strenuously opposed to taking action against Iraq are also so strenuously in favor of requiring U.N. support. The reason is that they see the U.N. as a way to stop America in its tracks. They know that for ten years the Security Council did nothing about Iraq; indeed, it worked assiduously to weaken sanctions and inspections. It was only when President Bush threatened unilateral action that the U.N. took any action and stirred itself to pass a resolution. The virtue of unilateralism is not just that it allows action. It forces action.

I return to the point I made earlier. The way to build a coalition is to be prepared to act alone. The reason that President Bush has been able and will continue to be able to assemble a coalition on Iraq is that the Turks, the Kuwaitis and others in the region will understand that we are prepared to act alone if necessary. In the end, the real division between unilateralists and multilateralists is not really about partnerships or about means or about methods. It is about ends.

We have never faced a greater threat than we do today, living in a world of weapons of mass destruction of unimaginable power. The divide before us, between unilateralism and multilateralism, is at the end of the day a divide between action and inaction. Now is the time for action, unilaterally if necessary.

HONORING CINDY DWYER ON HER RETIREMENT

Mr. JOHNSON. Mr. President, I rise today to call to attention of all Senators, the retirement of a dedicated public servant and an individual who has given much to the operation of four

Senate offices. Cindy Dwyer, a member of my staff for the past 2½ years, will be ending her career as a staff person in the Senate. As the scheduler in my Washington, DC, Senate office, Cindy has been a model for other dedicated and talented staff members to emulate, and an invaluable asset to everyone who had the honor of working with her. It is with deep regret I announce she will be leaving my office and the Senate in February.

Before coming to Washington, Cindy worked as a kindergarten teacher in Wakonda, SD. In 1975, she began her congressional career in the office of former South Dakota Senator James Abourezk. She worked as a staff assistant in Senator Abourezk's office, and also a part-time employee of the Senate's post office.

After Senator Abourezk's retirement in 1978, Cindy joined the staff of then-Congressman TOM DASCHLE, in his first term as a Member of the House of Representatives serving South Dakota. It was during that time that Cindy began her long and distinguished career as a scheduler for Members of Congress.

Cindy worked as a consultant for several years before rejoining Congressman DASCHLE's staff in 1985. She went on to become Senator DASCHLE's first Senate press secretary when he was elected to the Senate in 1987. She worked for our South Dakota colleague for another 1½ years, before leaving to work for another of our colleagues, Senator J. Robert Kerrey of Nebraska. For 12 years, from 1988–2000, she worked for Senator Kerrey, first on his campaign, and later as a senior member of his staff and a very integral member of the Kerrey team. I have been told that little occurred in Bob Kerrey's office that Cindy wasn't involved with. As one of Senator Kerrey's closest and trusted advisers, she was responsible for helping to execute the very strong record of service that Senator Kerrey delivered for his Nebraska constituents.

While I regretted Senator Kerrey's retirement from the Senate in 2000, his departure turned out to be my good fortune, because it was at that point in time that I had the fortune of working with Cindy. I needed to hire an experienced scheduler, and Cindy Dwyer was that answer. To show Cindy's dedication to the Senate and the Senators with whom she has served, she undertook a herculean effort by working in both offices. For a period of time in 2000, she continued to work with Senator Kerrey, helping to wind down his final few months of Senate service, and began working in my office as my scheduler. Very few staff members could have undertaken the responsibilities that Cindy did, working well beyond a normal workweek, even by Senate standards, to provide service to two Senators.

During her 2½ years of service, Cindy helped to organize the day to day activities of my office and my schedule. The efficiency and organization of my

office is a direct result of her hard work and preparation. She is not only a valuable member of my staff, but a great friend. Her friendly demeanor and willingness to go above and beyond the call of duty have made her a popular figure in my office and throughout the Senate.

Some have suggested that Cindy gets her political roots from her family. Her father, Gene Dwyer, still works as a staff assistant in Senator DASCHLE's Sioux Falls office. Her sister and brother-in-law, Peter and Barbara Stavrianos, have distinguished careers working for Senators McGovern, Abourezk, and DASCHLE.

Cindy will be greatly missed, and Barbara and I wish her the very best on all her future endeavors. It is an honor for me to share Cindy's accomplishments with my colleagues and to publicly commend her outstanding service to my office and the people of South Dakota.

ROWAN ANTON CRAIG

Mr. CRAIG. Mr. President, I rise to let my fellow Senators know of a very happy addition to my family.

On December 22, at 3:05 in the afternoon, my daughter-in-law, Stephanie Craig, with the help of her husband, our son Michael, and our grandson Aidan, gave birth to our newest grandchild, a beautiful baby boy named Rowan Anton Craig. He came in bigger than his older brother at 8 pounds, 9 ounces and 21 inches long.

At 3:15 that same afternoon, my wife Suzanne and I watched our new grandbaby being weighed and measured and swaddled, and we got to hold this bundle of life. What a thrill to be there in the first few minutes of his life.

His middle name, Anton, comes from his great-grandfather on his mother's side of the family. Anton was the patron saint of animals, so we expect to share with him our love of animals, along with many other experiences.

Let me thank my colleagues for your indulgence in letting me share with all of you one of the most unique experiences in my life, a wonderful Christmas present: a new grandchild in our family.

ADDITIONAL STATEMENTS

COL. EDWIN D. STRICKFADEN

• Mr. CRAPO. Mr. President, I rise today to ask the Senate to join me in honoring the retirement of Col. Edwin D. Strickfaden, director of the Idaho State Police. Colonel Strickfaden retired on December 31, 2002, after faithfully serving the citizens of Idaho for 35 years. I join with many Idahoans in recognizing Colonel Strickfaden's career as a sterling example of dedication to public safety and service to others.

Enormous is the debt owed by us to the men and women who work in law enforcement, who, every day put their

lives on the line to defend the rights and liberties we enjoy. Colonel Strickfaden exemplifies the sacrifices made by these exceptional people. He is deserving of our respect and honor as he concludes his distinguished career.

Edwin D. Strickfaden's career with the Idaho State Police began in 1967 at the conclusion of 4 years of service to his country in the U.S. Air Force. He started with the Idaho State Police serving at the King Hill Port-of-Entry facility in King Hill, ID. He was made officer-in-charge of the facility in 1969. A year later, he was again promoted and assigned to the District Two office in Lewiston. In all, Colonel Strickfaden served in six offices of the Idaho State Police throughout Idaho, in three of them as commander. The year's many changes and transfers afforded him vast experience in all aspects of Idaho law enforcement and many opportunities to serve the people of Idaho.

One of many salient moments that defined Mr. Strickfaden's distinguished career is a time when he dove into the icy December waters of the Clearwater River to rescue a woman from a submerged vehicle, an action given special recognition by then-Governor Cecil Andrus. This action typified the courage and dedication he was known for throughout his 35-year career.

The invaluable knowledge and experience that Colonel Strickfaden gained through many years of service became critical in 1998 when he was asked to serve as director of the Department of Law Enforcement. Under Colonel Strickfaden's leadership, the former Department of Law Enforcement and State Police were combined into a single agency. The new Idaho State Police has become an effective organization with numerous successes in the war on drugs and other enforcement issues in Idaho. True to this mission, Idaho has experienced a decline in illegal drug use since Colonel Strickfaden served as director of the Idaho State Police. Without the effective work of the Idaho State Police, our ability to live in a safe and secure environment would be compromised. Colonel Strickfaden's tireless efforts have helped reach the goal of making Idaho a safe and secure environment for all of its residents.

As he enters a new phase of his life, I know my Senate colleagues will join me in thanking Colonel Strickfaden on his distinguished career as an Idaho State Police Officer and wish him every success in his future endeavors. •

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the

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

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

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS THAT WAS DECLARED IN EXECUTIVE ORDER 13219—PM 2

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 transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, January 29, 2003.

REPORT ON ARMENIA, AZERBAIJAN, KAZAKHSTAN, MOLDOVA, THE RUSSIAN FEDERATION, TAJIKISTAN, TURKMENISTAN, UKRAINE, AND UZBEKISTAN INDICATING THE CONTINUED COMPLIANCE OF THESE COUNTRIES WITH INTERNATIONAL STANDARDS CONCERNING FREEDOM OF EMIGRATION—PM 3

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:

On September 21, 1994, then-President Clinton determined and reported to the Congress that the Russian Federation was not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3), of subsection 409(a) of the Act. On June 3, 1997, he also determined and reported to the Congress that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine were not in violation of the same provisions, and made an identical determination on December 5, 1997, with respect to Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. These actions allowed for the continuation of normal trade relations for these countries and certain other activities without the requirement of an annual waiver.

On June 29, 2000, pursuant to section 302(b) of Public Law 106-200, then-President Clinton determined that title IV of the Trade Act of 1974 should no

longer apply to Kyrgyzstan, and on December 29, 2000, pursuant to section 3002 of Public Law 106-476, he determined that title IV of the Trade Act of 1974 should no longer apply to Georgia.

As required by law, I am submitting an updated report to the Congress that was prepared by my Administration concerning the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The report indicates continued compliance of these countries with international standards concerning freedom of emigration.

GEORGE W. BUSH.
THE WHITE HOUSE, January 29, 2003.

MESSAGE FROM THE HOUSE

At 3:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

Mr. Young of Florida, Mr. Regula, Mr. Rogers of Kentucky, Mr. Wolf, Mr. Kolbe, Mr. Walsh, Mr. Taylor of North Carolina, Mr. Hobson, Mr. Istook, Mr. Bonilla, Mr. Knollenberg, Mr. Kingston, Mr. Obey, Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, and Mr. Moran of Virginia.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 224. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 225. A bill to provide for emergency unemployment compensation.

S. 228. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

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-766. A communication from Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Do-

mestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Final Specifications for 2003 (0648-AQ15)" January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-767. A communication from Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim 2003 total allowable catch (TAC) amounts for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-768. A communication from the Acting Director, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-769. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna (BFT) Quota Transfer and Reopening of the BFT General Category (I.D. 112202D)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-770. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fishing Vessels Permits; Charter Boat Operations (RIN0648-AM91)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-771. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna (BFT) General Category Closure (I.D. 121202A)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-772. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Commercial Shark Management Measures Emergency rule; request for comments; fishing season notification (RIN0648-AQ39)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-773. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; New York Marine Inspection Zone and Captain of the Port Zone (CGD01-02-132) (2115-AA97)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-774. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regu-

lations (Including 2 regulations) [CGD08-02-043] [CGD08-03-001] (2115-AE47) (2003-0003)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-775. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA (COTP New Orleans 02-022) (2115-AA97)(2003-0005)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Fokker Model F.28 Mark 0070 and 0100 Series Airplanes; Docket No. 2001-NM-290 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Boeing Model 737-600, 700, 700C, 800, and 900 Series Airplanes; Docket No. 2002-NM-44 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 and 300 Series Airplanes; Docket No. 2002-NM77 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc., Model () HC-(2)Y (-) Propellers; Docket No. 2002-NE-25 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC 9, 10, 20, 30, 40, and 50 Series Airplanes; Docket no. 2001-NM78 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757-200 Series Airplanes; Docket no. 2000-NM402 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Docket no. 2000-NM-85 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 10, DC 9 20, DC 9 30,

DC 9 40 and DC 9 50 Series Airplanes; and Model DC 9 81, DC 9 82, DC 9 83, DC 9 87 and MD 88 Airplanes; Docket no. 2002-NM-53 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Univair Corp Models Alon A 2, A2 A, ERCO 415C, 415CD, 415E, and 415G, Forney F1 and F1A and Mooney M10 Airplanes; docket no. 2001-CE-A35 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 36, A36, A36TC, 58, and 58A Airplanes Doc. no. 2002-CE-07 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-786. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SAAB Model 2000, SAAB SF340A, and SAAB 340B Series Airplanes; docket no. 2002-NM104 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-787. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Docket no. 02-ACE-8 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-788. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions of Class E Airspace; Point Hope, AK; Docket no. 02-AA1-6 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-789. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace, Crisfield, MD; Docket no. 02-AEA-18 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-790. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Picture Identification Requirements; Docket no. FAA-2002-11666 (2120-AH76)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-791. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Robinson R-22/R-44 Special Training and Experience Requirements, EXTENSION OF EXPIRATION DATE; Docket no. FAA-2002-13744; SFAR 73-1 (2120-AH94)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-792. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88); Request for comments; Docket no. FAA-1999-6411 (2120-AH85)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes; Request for Comments; Docket no. FAA-2000-7587 (2120-AH03)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Textron Lycoming Division, AVCO Corporation Fuel Injected Reciprocating Engines; Doc. no. 2000-CE-60 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; Doc. No. 2002-NM-84 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 Series Airplanes; Docket No. 2001-NM-396 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 11, 12, 13, 14, 15, and 15F Airplanes; Model DC9 21 Airplanes; Model DC 9 31, 32, 32 (VC-9C), 32F, 33F, 34, and 34 F Airplanes; Model DC 9 41, Airplanes; Model DC 9 51 Airplanes; Model DC 9 81, DC 9 82, DC 9 83, and DC 9 87 & Model MD 88 Airplanes; Docket no. 99NM-90 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney PW4164, 4168, and 4168A Series Turbofan Engines; Docket no. 97-ANE-44 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2002-NM-67 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Durhamville, NY; Docket No. 02-AEA-10 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-801. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wasilla, AK; Docket No. 02-AA1-07 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E5 Airspace; Tampa, FL; Docket No. 02-ASO-25 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes: Miscellaneous Amendments; Docket No.30345 (2120-AA63)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pennsylvania, New Jersey, Delaware; Docket No. 02-AEA-14 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Wrightstown, NJ; Docket no. 02-AEA-15 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Caruthersville, MO; Docket No. 02-ACE-13 (2120-AA66)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, INC Model AT 250, 300, 301, 302, 400, 400A, 401, 401A, 402, 402A, 501, 502, and 502A, Airplanes; Docket No. 2000-CE-60 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Titeflex Corporation, CORRECTION; Docket no. 2000-NE-57 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes; Docket No. 2002-NM-114 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN-2A and BN2A

MK III Series Airplanes; docket no. 2002-CE-33" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerostar Aircraft Corp Models PA 60-601, 6-IP, 602P, and 700P Airplanes; docket no. 99-CE-86 (2120-AA54)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332C, -L, -L1, SA330F, SA330G, and SA330J Helicopters; docket no. 2001-SW-35 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Limited Model 206L, L1, L3, and L4 Helicopters; Docket No. 99-SW-80 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF 645, 50, 80A, 80C, and 80E1 Turbofan Engines; Docket no. 2001-NE-26 (2120-AA64)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports; DELAY OF EFFECTIVE DATE; Docket no. FAA-2000-7952 (2120-AH91)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Considerations for the flightdeck on Foreign Operated Transport Category Airplanes; CORRECTION; docket no. FAA-2002-12504 (2120-AH70)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extension of Compliance Times for Fuel Tank System Safety; Docket no. FAA-1999-6411 (2120-AG62)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Airplane Safety; Interim Final Rule; Request for Comments; docket No. FAA-1999-5401 (2120-AE42)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designation; Incorporation by Reference; Docket no. 29334 (2120-ZZ40)" received on January 21, 2003; to the

Committee on Commerce, Science, and Transportation.

EC-820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspeed Indicating System Requirements for Transport Category Airplanes; docket no. FAA-2001-9636 (2120-AH26)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noise Certification Standards for Subsonic Jet and Subsonic Transport Category Large Airplanes; CORRECTION; (DOCID: fr10ja03-110 AND fr 10ja03-111—Docket no. FAA-2000-7587) (2120-AH03)" received on January 21, 2003; to the Committee on Commerce, Science, and Transportation.

EC-822. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Securities Futures Contracts (Notice 2003-8)" received on January 10, 2003; to the Committee on Finance.

EC-823. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2003 (Rev. Rul. 2003-16)" received on January 23, 2003; to the Committee on Finance.

EC-824. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2003-20—Valuation of Remanufactured Motor Vehicle Parts 'Cores' (Rev. Proc. 2003-20)" received on January 23, 2003; to the Committee on Finance.

EC-825. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosures of return information reflected on returns to officers and employees of the Department of Commerce for certain statistical purposes and related activities (RIN1545-AY52)" received on January 23, 2003; to the Committee on Finance.

EC-826. 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 2003-12—Nonaccrual Experience Method of Accounting (Notice 2002-12)" received on January 23, 2003; to the Committee on Finance.

EC-827. 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. Rul. 2003-14, SWCA" received on January 23, 2003; to the Committee on Finance.

EC-828. 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. Rul. 2003-15, AMA" received on January 23, 2003; to the Committee on Finance.

EC-829. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Financial Transactions Involving Future Delivery of Stock (Rev. Rul. 2003-7, 2003-5)" received on January 23, 2003; to the Committee on Finance.

EC-830. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled

"Section 846 discount factors for 2002 (Revenue Procedure 2003-17)" received on January 23, 2003; to the Committee on Finance.

EC-831. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 832 discount factors for 2002 (Rev. Proc. 2003-18)" received on January 23, 2003; to the Committee on Finance.

EC-832. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Filing form 990 by Certain U.S. Possession Exempt Organizations (Rev. Proc. 2003-21)" received on January 23, 2003; to the Committee on Finance.

EC-833. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of the Effectively Connected Income of Foreign Life Insurance Companies (Rev. Rul. 2003-17)" received on January 23, 2003; to the Committee on Finance.

EC-834. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Statutory Mergers and Consolidations (1545-BA06 Temporary/NPRM) (1545-BB46 FINAL)" received on January 23, 2003; to the Committee on Finance.

EC-835. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program: External Quality Review of Medicaid Managed Care Organizations (0938-AJ06)" received on January 23, 2003; to the Committee on Finance.

EC-836. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare, Medicaid, and CLIA programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications (CMS-2226-F)" received on January 23, 2003; to the Committee on Finance.

EC-837. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality Assessment and Performance Improvement (HCFA-3050-F)(0938-AK40)" received on January 23, 2003; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, without amendment:
S. Res. 27. An original resolution authorizing expenditures by the Select Committee on Intelligence.

The following nominations were discharged and confirmed from the Committee on Health, Education, Labor and Pensions pursuant to the order of January 29, 2003:

NOMINATION DISCHARGED

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Edwin Joseph Rigaud, of Ohio, to be a Member of the National Museum Services Board for a term expiring December 6, 2007.

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years.

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. JOHNSON (for himself, Mr. HAGEL, Mr. REED, Mr. ENZI, Ms. STABENOW, and Mr. ALLARD):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 230. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 231. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 232. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 233. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 234. A bill to provide that members of the Armed Forces performing services on the Island of Diego Garcia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 235. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of dependent care assistance programs sponsored by the Department of Defense for members of the Armed Forces of the United States; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. ENZI):

S. 236. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of South Carolina:

S. 237. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. DASCHLE, Ms. COLLINS, Mr. DODD, Mrs. CLINTON, Mr. SARBANES, Mr. LEVIN, Mr. LEAHY, Mr. HARKIN, Mr. SMITH, Ms. SNOWE, Mr. CORZINE, Ms. LANDRIEU, and Mr. BAUCUS):

S. 238. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mrs. MURRAY, Mr. ROBERTS, and Mr. GRAHAM of South Carolina):

S. 239. A bill to amend the Public Health Services Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD (for himself, Mr. JOHNSON, Mr. HAGEL, and Mr. HARKIN):

S. 240. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, and Mr. HOLLINGS):

S. 241. A bill to amend the Coastal Zone Management Act; read the first time.

By Mr. DOMENICI (for himself and Mr. BENNETT):

S. 242. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. JOHNSON, and Mr. CHAFFEE):

S. 243. A bill concerning participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 244. A bill to require the Secretary of the Treasury to redesign \$1 Federal Reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse of such notes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. VOINOVICH, Mr. SHELBY, Mr. SESSIONS, Mr. SANTORUM, Mr. NICKLES, Mr. KYL, Mr. INHOFE, Mr. HAGEL, Mr. GRASSLEY, Mr. ENZI, Mr. GRAHAM of South Carolina, Mr. FITZGERALD, Mr. ENSIGN, Mr. DEWINE, Mr. CRAIG, Mr. CORNYN, Mr. BUNNING, Mr. BENNETT, Mr. ALLARD, Mr. THOMAS, and Mr. BOND):

S. 245. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 246. A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. BREAU):

S. 247. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 27. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. BYRD (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. SARBANES, and Mrs. BOXER):

S. Res. 28. A resolution expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq; to the Committee on Foreign Relations.

By Mr. CAMPBELL:

S. Res. 29. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. GRAHAM of South Carolina:

S. Res. 30. A resolution expressing the sense of the Senate that the President should designate the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

By Mr. ROBERTS:

S. Res. 31. A resolution designating the week of September 11 through September 17, 2003, as "National Civic Participation Week"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. BYRD):

S. Res. 32. A resolution expressing the sense of the Senate with respect to the actions the President should take before any use of military force against Iraq without the broad support of the international community; to the Committee on Foreign Relations.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. FRIST, Mr. DASCHLE, Mr. LUGAR, Mr. KENNEDY, Mr. WARNER, Mr. INOUE, Mr. GREGG, Mr. BIDEN, Mr. KYL, Mr. LEAHY, Mr. BROWNBACK, Mr. SARBANES, Mr. ALLEN, Mr. DODD, Mr. KERRY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. CORZINE, and Mr. HAGEL):

S. Res. 33. A resolution expressing the gratitude of the United States Senate for the service of Arthur J. Ryneerson, Deputy Legislative Counsel of the United States Senate; considered and agreed to.

By Mrs. CLINTON:

S. Res. 34. A resolution expressing support for the emergency first responders and communities which are the front lines of the Nation's homeland defense; to the Committee on Environment and Public Works.

By Mr. MILLER:

S. Con. Res. 3. A concurrent resolution recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 52

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 52, a bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

S. 83

At the request of Mr. DURBIN, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 83, a bill to expand aviation capacity in the Chicago area, and for other purposes.

S. 85

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 138

At the request of Mr. ROCKEFELLER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 138, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) 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. 225

At the request of Mr. DASCHLE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 225, a bill to provide for emergency unemployment compensation.

S.J. RES. 4

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alaska (Ms. MURKOWSKI) were added as

cosponsors of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 25

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 25, a resolution designating January 2003 as "National Mentoring Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 230. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Crossroads of the American Revolution National Heritage Area Act, to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey. I am proud to be joining my New Jersey colleagues, Representatives RODNEY FRELINGHUYSEN and RUSH HOLT, who are introducing this legislation in the House of Representatives, with the support of the entire New Jersey delegation.

This legislation recognizes the critical role that New Jersey played during the American Revolution. In fact, New Jersey was the site of nearly 300 military engagements that helped determine the course of our history as a Nation. Many of these locations, like the site where George Washington made his historic crossing of the Delaware River, are well known and preserved. Others, such as the Monmouth Battlefield State Park in Manalapan and Freehold, and New Bridge Landing in River Edge, are less well known and are threatened by development or in critical need of funding for rehabilitation.

To help preserve New Jersey's Revolutionary War sites, this legislation would establish a Crossroads of the American Revolution National Heritage Area, linking about 250 sites in 15 counties. This designation would authorize \$10 million to assist preservation, recreational and educational efforts by the State, county and local governments as well as private cultural and tourism groups. The program would be managed by the non-profit Crossroads of the American Revolution Association.

Simply put, we are the Nation that we are today because of the critical events that occurred in New Jersey during the American Revolution and the many who died fighting there. By enacting the Crossroads of the American Revolution National Heritage

Area Act of 2002, we will pay tribute to the patriots who fought and died in New Jersey so that we might become a Nation free from tyranny.

In the 107th Congress, I was proud to see the Senate approve this legislation as part of a bipartisan package of heritage area bills. Unfortunately, the bill was not approved in the House of Representatives. I will work even harder in the 108th Congress to see that this important legislation passes both houses and goes to the President's desk for his signature. I hope my colleagues will support this legislation, and 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. 230

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 "Crossroads of the American Revolution National Heritage Area Act of 2003".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the State of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as "the times that try men's souls";

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington's Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental

armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

SEC. 3. DEFINITIONS.

In this Act:

(1) **ASSOCIATION.**—The term “Association” means the Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State.

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Crossroads of the American Revolution National Heritage Area established by section 4(a).

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the management en-

tity for the Heritage Area designated by section 4(d).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 5.

(5) **MAP.**—The term “map” means the map entitled “Crossroads of the American Revolution National Heritage Area”, numbered CRRE80,000, and dated April 2002.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of New Jersey.

SEC. 4. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Association shall be the management entity for the Heritage Area.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to carry out this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this Act; and

(E) an interpretive plan for the Heritage Area.

(c) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the management entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the management entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(d) **AMENDMENTS.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) **USE OF FUNDS.**—Funds made available under this Act shall not be expended by the management entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) **IMPLEMENTATION.**—On completion of the 3-year period described in subsection (a), any funding made available under this Act shall be made available to the management entity only for implementation of the approved management plan.

SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—For purposes of preparing and implementing the management plan, the management entity may use funds made available under this Act to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and
(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semi-annually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the management entity at Morristown National Historical Park and in Mercer County.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—

(1) FEDERAL FUNDS.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(2) OTHER FUNDS.—Notwithstanding paragraph (1), the management entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the management entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) PRESERVATION OF HISTORIC PROPERTIES.—To carry out the purposes of this Act, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the management entity and other public or private entities to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the management entity regarding the activity;

(2)(A) cooperate with the Secretary and the management entity in carrying out the of the Federal agency under this Act; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity assisted under this Act shall be not more than 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Ms. LANDRIEU:

S. 234. A bill to provide that members of the Armed Forces performing services on the Island of Diego Garcia shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone; and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU:

S. 235. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of dependent care assistance programs sponsored by the Department of Defense for members of the Armed Forces of the United States; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to reintroduce two bills that I originally sponsored in the 107th Congress. As our Nation prepares to go to war with Iraq and continues the war against terrorism, my bills will give

additional tax relief to military families. One will give tax relief to a small group of men and women in our armed services stationed on the island of Diego Garcia in the Indian Ocean, supporting the war on terrorism in Afghanistan. The second bill will exclude from gross income child care benefits paid to members of our armed forces. These are small measures, but both will be of great benefit to the men and women serving our country.

Diego Garcia is a British Territory lying seven degrees South Latitude off the coast of India, in the middle of the Indian Ocean. The island is 40 miles around and encompasses an area of 6,720 acres, most of it dominated by a large lagoon. The land mass is actually very small. It is home to a joint British—United States Naval Support Facility, and while there are only a small handful of British Royal Navy personnel on the island, there is a larger, tight-knit team of American Air Force, Navy, Marine Corps and Army personnel there. These men and women serving on Diego Garcia have been supporting B-52 bombing missions and other operations over Afghanistan. They will be called into service in the event of war with Iraq, they served this purpose in the previous Gulf War.

As a Nation, we provide members of our armed forces with a variety of benefits, all of them deserved. They receive hardship duty pay of \$150 per month for serving in austere regions of the World. They get imminent danger pay of \$150 per month as compensation for being in physical danger. One of the most generous benefits for those serving in the war on terrorism is the combat zone tax exclusion. Enlisted members of the armed services do not pay Federal taxes on their compensation for any month of service inside a combat zone. Officers pay tax on any amount of income over the highest salary for enlisted personnel. Both officers and enlisted personnel have to serve one day in the combat zone to get this benefit for the entire month. The exclusion only applies to personnel who receive imminent danger pay.

On Diego Garcia, the pilots and flight crews who fly the missions over Afghanistan are eligible for the combat zone income tax exclusion because they receive imminent danger pay. Many of them are from the 2nd Bomb Wing and the 917th Wing. Both units call Barksdale Air Force Base in Louisiana their home. But the men and women who load the bombers, fuel them, and maintain them are not eligible because they do not enter the combat zone. Barksdale is also their home base. My office was contacted by some of the Barksdale officers who fly the bombing missions about this discrepancy. They asked me to help out their support crews, a gesture of selflessness that I seek to honor today.

I recognize that the support crews may not receive imminent danger pay, but their situation is not too different from Naval personnel performing the

same tasks on ships in the Arabian Sea. Naval support crews receive imminent danger pay and are eligible for the tax exclusion, but they do not enter Afghanistan.

Diego Garcia is a beautiful place, but is a long way from home. The least we could do is treat everyone who has served on the island the same. That is what my bill will do.

My second bill will correct an omission in the Tax Reform Act of 1986. That Act contained a provision consolidating the laws regarding the tax treatment of certain military benefits. The Conference Report to that Act contains a long list of benefits to be excluded from gross income of military personnel. According to the report, this list was to be exhaustive. The problem is that child care benefits are not on that list.

I do not know if this omission was intentional. Perhaps at that time, child care benefits were relatively unknown in the military. The Conference Report gives the Treasury Secretary the authority to expand the list of eligible benefits, but so far no Secretary has chosen to provide any guidance to the Department of Defense as to how these benefits should be treated for tax purposes. While military families are not currently being taxed for child care benefits, the Department of Defense has indicated that it would like Congress to clarify that child care benefits are not subject to tax. My bill will give our military families and the Department of Defense a greater degree of certainty.

I am pleased that my dependent care provision has been included in S. 19, the Veterans and Military Personnel Fairness Act of 2003. The same provision had been included in a similar package in the last Congress. I urge the Finance Committee to consider this package very soon and to include my Diego Garcia bill in the final package.

Throughout our history, in time of war we have worked to make sure that our armed forces have everything they need and we have spared no expense in meeting that need. But the men and women on the ground often have families back at home. We should make sure that we support them as well. I urge my colleagues to support this legislation.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. THOMAS, Mrs. FEINSTEIN, and Mr. ENZI):

S. 236. A bill to require background checks of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training, and to require a report on the effectiveness of the requirement; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise to re-introduce legislation that would close a serious loophole in the current law regulating background

checks of alien flight school applicants. This legislation was passed by the Senate last session but was not taken up by the House.

It is crucial that we close this loophole in the Aviation and Transportation Security Act that allows foreign flight school applicants to train on small planes without being subjected to a background check.

As we all know, in the wake of the September 11 terrorist attacks, it was discovered that many of the hijackers received flight training in the United States. In addition, Zacarias Moussaoui, the alleged "20th hijacker," was apprehended by investigators in Minnesota after accounts that he was only interested in learning to fly, not land, an airplane.

Section 113 of the Aviation and Transportation Security Act, which was enacted in the 107th Congress, requires background checks of all foreign flight school applicants seeking training to operate aircraft weighing 12,500 pounds or more. While this provision should help ensure that events like the September 11 attacks are not performed by U.S.-trained pilots using hijacked jets in the future, it does nothing to prevent different types of potential attacks against our domestic security.

Last year, the FBI issued a terrorism warning indicating that small planes might be used to carry out suicide attacks. Small aircraft can be used by terrorists to attack nuclear facilities, carry explosives, or deliver biological or chemical agents. For example, if a crop duster filled with a combination of fertilizers and explosives were crashed into a filled sporting event stadium thousands of people could be seriously injured or killed. We cannot allow this to happen. We need to ensure that we are not training terrorists to perform these activities. We cannot allow critical warnings to go unheeded.

My legislation would close the loophole and answer the critical warnings issued by the FBI. At the same time, this amendment would provide an exception to the background check requirement for foreign pilots who already hold a pilot's license or foreign equivalent allowing them to fly large aircraft in and out of the United States. Foreign pilots who have already been approved to land large jets at U.S. airports need not be required to undergo additional background checks.

I am once again joined in this effort to close this dangerous loophole in the Aviation and Transportation Security Act by Senators CORZINE, ENZI, FEINSTEIN, and THOMAS, and I look forward to the Senate's prompt consideration of this legislation.

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. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) ALIENS COVERED BY WAITING PERIOD.—Subsection (a) of section 44939(a) of title 49, United States Code, is amended—

(1) by striking "A person subject" and inserting:

"(1) IN GENERAL.—A person subject";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking "any aircraft having a maximum certificated takeoff weight of 12,500 pounds or more" and inserting "an aircraft" in paragraph (1) as redesignated;

(4) by striking "paragraph (1)" in paragraph (1)(B), as redesignated, and inserting "subparagraph (A)"; and

(5) by adding at the end the following:

"(2) EXCEPTION.—The requirements of paragraph (1) shall not apply to an alien who—

"(A) has earned a Federal Aviation Administration type rating in an aircraft; or

"(B) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation.".

(b) PROCEDURES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement section 44939 of title 49, United States Code.

(2) USE OF OVERSEAS FACILITIES.—In order to implement the amendments made to section 44939 of title 49, United States Code, by this section, United States Embassies and Consulates that have fingerprinting capability shall provide fingerprinting services to aliens covered by that section if the Attorney General requires their fingerprinting in the administration of that section, and transmit the fingerprints to the Department of Justice and any other appropriate agency. The Attorney General shall cooperate with the Secretary of State to carry out this paragraph.

(c) EFFECTIVE DATE.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement the amendments made by this section. The Attorney General may not interrupt or prevent the training of any person described in section 44939(a)(1) of title 49, United States Code, who commenced training on aircraft with a maximum certificated takeoff weight of 12,500 pounds or less before, or within 120 days after, the date of enactment of this Act unless the Attorney General determines that the person represents a risk to aviation or national security.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Attorney General shall jointly submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation and national security.

By Mr. REED (for himself, Mr. KENNEDY, Mr. COCHRAN, Mr. JEFFORDS, Mr. DASCHLE, Ms. COLLINS, Mr. DODD, Mrs. CLINTON, Mr. SARBANES, Mr. LEVIN,

Mr. LEAHY, Mr. HARKIN, Mr. SMITH, Ms. SNOWE, Mr. CORZINE, Ms. LANDRIEU, and Mr. BAUCUS):

S. 238. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I rise to introduce that Museum and Library Services Act of 2003. I am pleased to be joined by Senators KENNEDY, COCHRAN, COLLINS, SNOWE, SMITH, DASCHLE, JEFFORDS, DODD, HARKIN, CLINTON, SARBANES, LEVIN, LEAHY, CORZINE, LANDRIEU, and BAUCUS in introducing this legislature to strengthen museum and library services.

The Federal Government has a long history of supporting our Nation's libraries and museums, providing direct aid to public libraries since the adoption of the Library Services and Construction Act, LSCA, in 1956 and funding to museums since the enactment of the Museum Services Act in 1976. As a result of this support, our lives and culture have been enriched.

My predecessor, Senator Claiborne Pell, was instrumental in the creation of the Museum Services Act, as well as the development and enactment of the Museum and Library Services Act in 1996. This law reauthorized Federal library and museum programs under a newly created independent Federal agency called the Institute for Museum and Library Services, IMLS.

I am proud to continue Senator Pell's tradition of supporting libraries and museums by introducing this legislation to day to extend the authorization of museum and library services through fiscal year 2009 and to make several important modifications to current law.

The bill ensures that library activities are coordinated with the school library program I authored, which is now part of the No Child Left Behind Act of 2001. It establishes a Museum and Library Services Board to advise the Director of IMLS, and it authorizes IMLS to issue a National Award for Library Service as well as a National Award for Museum Service. The bill also ensures that a portion of administrative funds is used to analyze annually the impact of museum and library services to identify needs and trends of services provided under museum and library programs. Our bill also establishes a reservation of 1.75 percent of funds for museum services for Native Americans, a similar reservation is currently provided for library services under the Library Services and Technology subtitle. Lastly, the bill updates the uses of funds for library and museum programs and increases the authorization under the Library Services and Technology Act, LSTA, from \$150 million to \$350 million and the Museum Services Act from \$28.7 million to \$65 million.

I want to specifically highlight one other provision in the legislation. The Museum and Library Services Act of

2003 doubles the minimum State allotment under the LSTA to \$680,000.

The minimum State allotment has remained flat at \$340,000 since 1971, hampering the literacy and cultural efforts of our Nation's smaller States. An analysis prepared by the staff of the Joint Economic Committee shows that it would take approximately \$1.5 million for our small States to keep pace with inflation. The library community has instead suggested a modest, but essential doubling of the minimum state allotment to \$680,000. This will enable every State to benefit and implement the valuable services and programs that larger states have been able to put in place. We heard about the importance of this change from David Mackam, Director of the Cranston Public Library, during a Health, Education, Labor, and Pensions Committee hearing that I chaired last April.

Last year, efforts to move this legislation were stymied over concerns about certain IMLS grants and how much funding should be authorized for library and museum programs. The President's forthcoming fiscal year 2004 budget will contain a modest, although record, increase in funding for these programs, which I hope will alleviate these concerns. As such, I hope we can move forward early in this session of Congress on a bipartisan basis on a swift reauthorization of the Museum and Library Services act.

I urge my colleagues to cosponsor this important legislation and work for its passage.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 238

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 "Museum and Library Services Act of 2003".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.

Sec. 102. Institute of Museum and Library Services.

Sec. 103. Director of the Institute.

Sec. 104. National Museum and Library Services Board.

Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.

Sec. 202. Definitions.

Sec. 203. Authorization of appropriations.

Sec. 204. Reservations and allotments.

Sec. 205. State plans.

Sec. 206. Grants to States.

Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 300. Short title.

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Museum services activities.

Sec. 304. Repeals.

Sec. 305. Authorization of appropriations.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.

Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.

Sec. 502. National Children's Museum.

Sec. 503. Technical corrections.

Sec. 504. Conforming amendment.

Sec. 505. Repeals.

Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraphs (1) and (4);

(2) by redesignating paragraph (2) as paragraph (1);

(3) by inserting after paragraph (1), as redesignated by paragraph (2) of this section, the following:

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”; and

(4) by adding at the end the following:

“(4) MUSEUM AND LIBRARY SERVICES BOARD.—The term ‘Museum and Library Services Board’ means the National Museum and Library Services Board established under section 207.”.

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

“(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.”.

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: “Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).”; and

(2) by adding at the end the following:

“(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.”.

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

“SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

“(a) ESTABLISHMENT.—There is established in the Institute a board to be known as the ‘National Museum and Library Services Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

“(A) The Director.

“(B) The Deputy Director for the Office of Library Services.

“(C) The Deputy Director for the Office of Museum Services.

“(D) The Chairman of the National Commission on Libraries and Information Science.

“(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of library services by virtue of their education, training, or experience.

“(F) 11 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of museum services by virtue of their education, training, or experience.

“(2) SPECIAL QUALIFICATIONS.—

“(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

“(i) 5 shall be professional librarians or information specialists, of whom—

“(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

“(II) not less than 1 shall be knowledgeable about the library and information service needs of underserved communities; and

“(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

“(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

“(i) 5 shall be museum professionals who are or have been affiliated with—

“(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

“(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

“(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

“(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect individuals from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

“(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, and the Deputy Director of the Office of Museum Services shall be nonvoting members of the Museum and Library Services Board.

“(c) TERMS.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

“(2) INITIAL BOARD APPOINTMENTS.—

“(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the day before the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

“(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the members of the Museum and Library Services Board shall be appointed in accordance with subsection (b).

“(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Services Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

“(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

“(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

“(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

“(d) DUTIES AND POWERS.—

“(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

“(2) NATIONAL AWARDS.—The Museum and Library Services Board shall assist the Director in making awards under section 209.

“(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

“(f) MEETINGS.—

“(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

“(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

“(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

“(h) COMPENSATION AND TRAVEL EXPENSES.—

“(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Library Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Board.

“(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.”

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

“SEC. 209. AWARDS.

“The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

“SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

“From amounts appropriated under sections 214(c) and 274(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

“(1) shall be conducted in ongoing consultation with—

“(A) State library administrative agencies;

“(B) State, regional, and national library and museum organizations; and

“(C) other relevant agencies and organizations;

“(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

“(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

“(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).”

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

“(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

“(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

“(4) to encourage resource sharing among all types of libraries for the purpose of

achieving economical and efficient delivery of library services to the public.”.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

- (1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle \$350,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”; and

- (2) in subsection (c), by striking “3 percent” and inserting “3.5 percent”.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

“(3) MINIMUM ALLOTMENTS.—

“(A) IN GENERAL.—For purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) RATABLE REDUCTIONS.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

“(C) EXCEPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

“(I) the minimum allotment for each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$680,000; and

“(II) the minimum allotment for each State otherwise receiving a minimum allotment of \$40,000 under subparagraph (A) shall be increased to \$60,000.

“(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above \$340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above \$40,000.

“(D) SPECIAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of

the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

“(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(iii) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.”.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

- (1) in subsection (a)(1), by striking “not later than April 1, 1997.” and inserting “once every 5 years, as determined by the Director.”; and

(2) in subsection (f)—

(A) by striking “this Act” each place such term appears and inserting “this subtitle”;

(B) in paragraph (1)—

(i) by striking “1934,” and all that follows through “Act, may” and inserting “1934 (47 U.S.C. 254(h)(6)) may”; and

(ii) by striking “section 213(2)(A) or (B)” and inserting “section 213(1)(A) or (B)”;

and (C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “section:” and inserting “subsection:”; and

(ii) in subparagraph (D), by striking “given” and inserting “applicable to”.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

- (1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

“(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

“(3) providing electronic and other linkages among and between all types of libraries;

“(4) developing public and private partnerships with other agencies and community-based organizations;

“(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

“(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.”; and

(2) in subsection (b), by striking “between the two purposes described in paragraphs (1) and (2) of such subsection,” and inserting “among such purposes.”.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking “education and training” and inserting “education, recruitment, and training”.

TITLE III—MUSEUM SERVICES

SEC. 300. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended by inserting before section 271 the following:

“SEC. 270. SHORT TITLE.

“This subtitle may be cited as the ‘Museum Services Act.’”.

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

“SEC. 271. PURPOSE.

“It is the purpose of this subtitle—

“(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

“(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

“(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

“(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

“(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

“(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.”.

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: “Such term includes aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.”.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

“SEC. 273. MUSEUM SERVICES ACTIVITIES.

“(a) IN GENERAL.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance to museums and other entities as the Director considers appropriate, to pay for the Federal share of the cost—

“(1) to support museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

“(2) to support museums in building learning partnerships with the Nation’s schools and developing museum resources and programs in support of State and local school curricula;

“(3) to support museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

“(4) to stimulate greater collaboration among museums, libraries, schools, and

other community organizations in order to share resources and strengthen communities;

“(5) to encourage the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

“(6) to support museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

“(7) to support museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

“(8) to support professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

“(9) to support museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

“(10) to encourage, support, and disseminate model programs of museum and library collaboration.

“(b) **FEDERAL SHARE.**—

“(1) **50 PERCENT.**—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

“(2) **GREATER THAN 50 PERCENT.**—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

“(3) **OPERATIONAL EXPENSES.**—No funds for operational expenses may be provided under this section to any entity that is not a museum.

“(c) **REVIEW AND EVALUATION.**—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle. Procedures for reviewing such arrangements shall not be subject to any review outside of the Institute.

“(d) **SERVICES FOR NATIVE AMERICANS.**—From amounts appropriated under section 274, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)) to enable such tribes and organizations to carry out the activities described in subsection (a).”

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176)—

(1) is redesignated as section 274 of such Act; and

(2) is amended, in subsection (a), by striking “\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.” and inserting “\$65,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking “accept, hold, administer, and utilize gifts, bequests, and devises of property,” and inserting “solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts,

bequests, and devises of services or property.”

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking “and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly”;;

(2) by amending the fourth sentence to read as follows: “A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission”; and

(3) in the fifth sentence, by striking “five years, except that” and all that follows through the period and inserting “five years, except that—

“(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

“(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.”

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking “\$5,000,000,000” and inserting “\$8,000,000,000”;;

(2) in subsection (c), by striking “\$500,000,000” and inserting “\$750,000,000”; and

(3) in subsection (d)—

(A) in paragraph (6), by striking “or” after the semicolon;

(B) by striking paragraph (7) and inserting the following:

“(7) not less than \$400,000,000 but less than \$500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first \$400,000 of loss or damage to items covered; or

“(8) \$500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first \$500,000 of loss or damage to items covered.”

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) **DESIGNATION.**—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the “National Children's Museum”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. TECHNICAL CORRECTIONS.

(a) **TITLE HEADING.**—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

“TITLE II—MUSEUM AND LIBRARY SERVICES”.

(b) **SUBTITLE A HEADING.**—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

“Subtitle A—General Provisions”.

(c) **SUBTITLE B HEADING.**—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

“Subtitle B—Library Services and Technology”.

(d) **SUBTITLE C HEADING.**—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

“Subtitle C—Museum Services”.

(e) **CONTRIBUTIONS.**—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking “property of services” and inserting “property or services”.

(f) **STATE PLAN CONTENTS.**—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking “and” at the end.

(g) **NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.**—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking “cooperative agreements, with,” and inserting “cooperative agreements with.”

SEC. 504. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking “section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A))” and inserting “section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))”.

SEC. 505. REPEALS.

(a) **NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.**—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) **MUSEUM AND LIBRARY SERVICES ACT OF 1996.**—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2003.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ENZI, Mrs. MURRAY, Mr. ROBERTS, and Mr. GRAHAM of South Carolina):

S. 239. A bill to amend the Public Health Services Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly one of every four Americans are injured and require medical attention.

Among Americans younger than age 44, trauma is the leading killer. While injury prevention programs have greatly reduced death and disability, severe injuries will continue. Given the events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

The direct and indirect cost of injury is estimated to be about \$260 billion a year. The death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. It is essential that all Americans

have access to a trauma system that provides definitive care as quickly as possible.

In recent years, Congress has sought to address this issue through the Trauma Care Systems Planning and Development Act, which provides grants for the purpose of planning, implementing, and developing statewide trauma care systems. However, this important program expired last year before Congress could reauthorize it. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY, ENZI, MURRAY, ROBERTS and GRAHAM of South Carolina to reauthorize this important program.

Despite our past investments, one-half of the states in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999 that Congress "support a greater national commitment to, and support of, trauma care systems at the federal, state, and local levels."

Today's bill, the "Trauma Care Systems Planning and Development Act of 2003", reauthorizes this program with several improvements: First, it improves the collection and analysis of trauma patient data with the goal of improving the overall system of care for these patients; second, at this time of increasing pressure on state budgets, the bill reduces the amount of matching funds that states will have to provide to participate in the program so that we can extend quality trauma care systems across the nation; third, the legislation provides a self-evaluation mechanism to assist states in assessing and improving their trauma care systems; fourth, it authorizes an Institute of Medicine study on the state of trauma care and trauma research; and, finally, it doubles the funding available for this program to allow additional states to participate.

I appreciate the assistance of Senators KENNEDY, ENZI, MURRAY, ROBERTS and GRAHAM of South Carolina on this important legislation, and look forward to working with them, and with Senator GREGG, the Chairman of the Senate Health, Education, Labor and Pensions Committee, to see this bill passed this year.

Mr. KENNEDY. Mr. President, it is an honor to join Senator FRIST in introducing the Trauma Care Systems Planning and Development Act. Our goal in this bipartisan legislation is to enable all States to develop more effective trauma care systems.

Trauma is the No. 1 killer of Americans under age 44. Traumatic injuries robs, devastate families and cost the Nation an estimated \$60 billion every year. In 1995 alone, injuries were responsible for 148,000 deaths, 2.6 million hospitalizations, and over 36 million emergency room visits.

Despite this toll, we have done little in recent years to prevent trauma or improve the chance of recovery from traumatic injury. Part of the problem

is the widespread view that trauma is an accident, an unfortunate and often unavoidable injury. But this is often not the case.

Proven preventive measures could save up to 25,000 lives every year. Better treatment systems can give victims a better chance of recovery, by delivering quality care as quickly as possible.

A trauma system is a coordinated effort to provide the full range of care to all injured patients. Treatment begins at the site of injury, and continues from prehospital to hospital to rehabilitative services. Resources, supporting equipment, and personnel are ready and trained to go into action.

The skills and knowledge of health care experts are not enough. Optimal care is the result of advance planning, preparation, and coordination to produce smooth transitions and the proper sequence of interventions. Effective trauma systems accomplish all this, saves lives, and reduces costs.

Much of the progress in developing trauma systems has occurred as a result of Federal funding and involvement. In 1973, Congress passed the Emergency Medical Services Act, providing \$300 million to States and communities over an 8-year period. Without that funding, patients in hundreds of regions in the Nation might not have had prompt access to emergency care. Even today, there are parts of the Nation without 911 access and immediate emergency transportation.

In 1990, Congress passed the Trauma Care Systems Planning and Development Act, authorizing Federal grants to States to develop statewide trauma care systems. Funding for this program has been inadequate. From 1995 to 2000, States received no funding at all. Last year, only \$3.5 million was appropriated for the entire country. As a result, only half of all States today have fully functional statewide trauma systems. Clearly, we must do better in providing needed trauma care.

Our legislation reauthorizes and strengthens the trauma care program to establish effective trauma systems in all States. It asks the Institutes of Medicine to investigate the quality of trauma care and identify areas for improvement. Surprisingly, given the burden of trauma on society, less than 1 percent of resources at the NIH are devoted to trauma research.

Our legislation is supported by the Coalition for American Trauma Care, the American College of Surgeons, and the American Trauma Society. Its enactment is important to public safety, and I urge the Senate to approve it.

By Mr. FITZGERALD (for himself, Mr. JOHNSON, Mr. HAGEL, and Mr. HARKIN):

S. 240. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Finance.

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation that would extend the 10-cents-per-gallon small ethanol producers' tax credit to small farmer-owned cooperatives. The measure, if approved by Congress, could help boost ethanol production at a time when domestic energy prices are on the rise and the United States is seeking to reduce its dependence on foreign oil.

Under current law, small ethanol producers, those who make less than 30 million gallons of ethanol per year, are eligible for an additional 10-cents-per-gallon-tax credit for up to 15 million gallons of ethanol each year. While the tax credit is intended to help maximize U.S. ethanol production by aiding small producers that otherwise may not be able to compete with larger companies, an unintended glitch in the law bars small farm cooperatives from passing this credit on to their farmers. Unfortunately, this glitch stifles production and penalizes farmers who join cooperatives.

Farm cooperatives can be an efficient way for farmers to trim costs and maximize income. We must ensure that our tax code does not penalize farmers for pooling their resources in cooperatives. With rising energy prices and a potentiality vast new market for ethanol in the Nation's clean air program, we should encourage, not discourage, greater production by ethanol cooperatives.

This legislation would revise existing tax law to permit farmer-owned cooperatives to pass the small producers' ethanol tax credit on to their members through dividends and allow these producers to treat this income as if they had generated it directly.

The bill would also expand the number of producers eligible for the tax credit by doubling the production limit from 30 million gallons of ethanol a year to 60 million gallons. Like most businesses, ethanol production facilities must achieve economies of scale to be viable in a competitive marketplace. Doubling the limit to 60 million gallons simply modernizes the tax credit to reflect current economic realities.

I believe we must approach the new millennium with a renewed commitment to keep our environment clean and safe, and I also believe this objective is consistent with building and maintaining a strong economy. Renewable energy is central to our long-term goal of energy self-sufficiency. By expanding eligibility for the small producers' ethanol tax credit, this bill could stimulate ethanol production and ultimately help lessen our dependence on foreign sources of oil.

Realizing this important benefit, the Senate included this legislation in the comprehensive energy legislation, H.R. 4, which unfortunately, failed to emerge from conference committee prior to the end of the 107th Congress. Additionally, this small ethanol producer tax credit legislation was incorporated into Senator GRASSLEY's "Tax

Empowerment and Relief for Farmers and Fishermen, TERFF, Act," which we also did not approve prior to adjournment of the last Congress. I look forward to working with our new Finance Committee Chairman and my co-sponsor, Senators JOHNSON, HAGEL, and HARKIN, to get this legislation signed into law.

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. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL ETHANOL PRODUCER CREDIT.

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Subsection (g) of section 40 of the Internal Revenue Code of 1986 (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

“(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

“(A) ELECTION TO ALLOCATE.—

“(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

“(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

“(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

“(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

“(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

“(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

“(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

“(i) such reduction, over

“(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”.

(b) IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.—

(1) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) of such Code (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking “30,000,000” each place it appears and inserting “60,000,000”.

(2) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of such Code is amended by striking “subpart D” and inserting “subpart D, other than section 40(a)(3).”.

(3) ALLOWING CREDIT AGAINST ENTIRE REGULAR TAX AND MINIMUM TAX.—

(A) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) SPECIAL RULES FOR SMALL ETHANOL PRODUCER CREDIT.—

“(A) IN GENERAL.—In the case of the small ethanol producer credit—

“(i) this section and section 39 shall be applied separately with respect to the credit, and

“(ii) in applying paragraph (1) to the credit—

“(I) the amounts in subparagraphs (A) and (B) thereof shall be treated as being zero, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

“(B) SMALL ETHANOL PRODUCER CREDIT.—For purposes of this subsection, the term ‘small ethanol producer credit’ means the credit allowable under subsection (a) by reason of section 40(a)(3).”.

(B) CONFORMING AMENDMENTS.—Subclause (II) of section 38(c)(2)(A)(ii) and subclause (II) of section 38(c)(3)(A)(ii) are each amended by inserting “or the small ethanol producer credit” after “employee credit”.

(4) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of such Code (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

“SEC. 87. ALCOHOL FUEL CREDIT.

“Gross income includes an amount equal to the sum of—

“(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

“(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).”.

(c) CONFORMING AMENDMENT.—Section 1388 of such Code (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

“(k) CROSS REFERENCE.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, and Mr. HOLLINGS):

S. 241. A bill to amend the Coastal Zone Management Act; read the first time.

Ms. SNOWE. Mr. President, I rise today to support the Coastal Zone Enhancement Reauthorization Act of 2003. I am pleased to have bipartisan support for this bill and to be joined by the chair and ranking Democrats of the Commerce Committee and the Subcommittee on Oceans and Fisheries. Senators MCCAIN, HOLLINGS, and KERRY have been instrumental in developing the wide range of support for

this bill, and I appreciate their interest in improving the way we manage our Nation's valuable coastal and marine resources.

In 1972, Congress responded to concerns over the increasing demands being placed on our nation's coastal regions and resources by enacting of the Coastal Zone Management Act. These pressures have greatly increased since the act was originally authorized.

Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, nearly 53 percent of all Americans live in these coastal regions, and more than 3,600 people are relocating there annually. This small portion of our country supports approximately 361 sea-ports, contains most of our largest cities, and serves as critical habitat for a variety of plants and animals.

This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this act, coastal States can choose to participate in the voluntary Federal Coastal Zone Management Program. States then design individual coastal zone management programs, taking their specific needs and problems into account, and then receive federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, to protecting habitat, to coordinating permits for coastal development.

As voluntary program, the framework of the CZMA provides guidelines for State plans to address multiple environmental, societal, cultural, and economic objectives.

The health of our coastal zone is vitally important not only to the multitude of plants and animals that inhabit this area, but also to the people and communities that are dependent on it for their livelihood. For example, coastal areas provide habitat for more than 75 percent of the U.S. commercial fisheries and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, along with value-added services included, contributes \$40 billion to the U.S. economy each year. Recreational fishing adds another \$25 billion to the economy.

The Coastal Zone Management Program can be used to help balance the conservation of fish stocks with the demands that we place on coastal areas. In my State of Maine, a \$150,000 study of the State's cargo needs led to a \$27 million bond issue for cargo port improvements. As a result, Bath Iron Works built a new \$45 million facility, creating 1,000 new jobs. Similar work needs to be done with our fishing ports so that when fisheries stock rebound, the fishermen will be able to realize the returns.

Unfortunately our precious coastal resources are being threatened by environmental problems, including non-point source pollution. Although the States are currently taking action to

address this problem under existing authority, the Coastal Zone Enhancement Reauthorization Act of 2003 encourages, but does not require, them to take additional steps to combat these problems through the Coastal Community Program.

This initiative provides States with the funding and flexibility needed to deal with their specific nonpoint source pollution problems. The States will have the ability to implement local solutions to a broad array of local problems. Many States are actively engaged in nonpoint source pollution programs and all can benefit from this new tool I am proud to say that Maine has risen to the challenge and already spends close to 30 percent of its funding on such activities. This has led to the reopening of hundreds of acres of shellfish beds and the restoration of fish nursery areas. Even with these successes, Maine is looking forward to this new opportunity to do more.

The Coastal Community Program in this bill also aides States in developing and implementing creative initiatives to deal with problems other than nonpoint source pollution. It increases Federal and State support of Local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical.

The Coastal Zone Enhancement Reauthorization Act of 2003 significantly increases the authorization levels for the Coastal Zone Management Program, allowing States to better address their coastal management plan goals. The bill authorizes \$135.5 million for fiscal year 2004, \$141 million for fiscal year 2005 and increases the authorization levels by \$5.5 million each year through fiscal year 2008. This increase in funding is necessary to allow the coastal programs to reach their full potential.

Additionally, the Coastal Zone Enhancement Reauthorization Act of 2003 increases authorization for the National Estuarine Research Reserve System, NERRS, to \$13 million in fiscal year 2004 with an additional \$1 million increase each year through fiscal year 2008. NERRS is a network of reserves across the country that are operated as a cooperative Federal-State partnership.

Currently, there are 25 reserves in 22 States. They provide an important opportunity for long-term research and education in these ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I wish to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant Program, section 306, serves as the base funding mechanism for the States' coastal zone management programs. The amount of funding each

State receives is determined by a formula that takes into account both the length of the coastline and the population of each State.

However, since 1992, the Appropriations Committee has imposed a \$2 million dollar cap per State on administrative grants. This was an attempt to ensure equitable allocation to all the participating States. Over the past 8 years, appropriations for administrative grants have increased by \$19 million, yet the \$2 million cap has remained. The result has been an inequitable distribution of these new funds. By fiscal year 2000, 13 States had reached this arbitrary \$2 million cap. These 13 States account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 States with the largest coastlines and populations stuck at a \$2 million dollar cap, despite major overall funding increases. While smaller States have enjoyed additional programmatic success due to an influx of funding, some of the larger States have stagnated.

In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure equitable increases or decreases between funding years for each State. It further requires that States should not experience a decrease in base program funds in any year when the overall appropriations increase.

I thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the states are treated fairly.

The Coastal Zone Management Program enjoys wide support among all of the coastal States due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program over the past several years.

I thank Senator KERRY, the ranking Democrat of the Oceans and Fisheries Subcommittee, for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking Democrat of the Committee, for their support of this measure and for their willingness to discharge this bill out of the committee so that we may begin working with our colleagues in the House of Representatives to enact this critical piece of legislation.

This is a solid, reasonable, and a realistic bill that enjoys bipartisan support on the Commerce Committee. It is time that we now turn to legislation reauthorizing a program with a long track record of preserving our coastal environment while allowing sensible development.

I am pleased to support this legislation that will provide the States with the necessary funding and framework to meet the challenges facing our coastal communities in the 21st Century. I urge my colleagues to support.

By Mr. DOMENICI (for himself and Mr. BENNETT):

S. 242. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code.

The bill I am introducing today with Senator BENNETT is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

The bill I am introducing today would address two areas where similarly situated taxpayers are not treated the same.

Internal inconsistency #1 deals with the long-term capital gains tax treatment of investments in art and collectibles. If a person invests in stocks or bonds, holds the asset for the requisite period of time, and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 20 percent, 18 percent, if the asset is held for five or more years. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur an additional 40 percent tax bill simply for revenue's sake. That is a big impact on the pocketbook of the beholder.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters, and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E.L. Blumenschein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, Dan

Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a \$12 to \$20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between \$500 million and \$1 billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Keynes was a passionate devotee of painting.

Even the artistically inclined economists found it difficult to define art within the context of economic theory. When asked to define jazz, Louis Armstrong replied: "If you gotta ask, you ain't never going to know."

A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; the cultural capital of the Nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments.

William Goetzmann when he was at the Columbia Business School constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: "Is there an 'efficient' art market?" A well-known art dealer answered "Definitely not. That's one of the things that makes the market so interesting." For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so

buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like the New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business.

The flea market fanatics are also avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, and guns.

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament, to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 20 percent, 18 percent if the asset has been held for five or more years.

Internal inconsistency #2 deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction it shouldn't matter whether you are an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. The bill I am introducing will allow a fair market deduction for the artist.

It's important to note that this bill includes certain safeguards to keep the artist from "painting himself a tax deduction." This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income, AGI. If it is also a capital gain, there is a 30 percent of AGI limit. I believe these safeguards bring fairness back into the code and protect the Treasury against my potential abuse.

When I introduced this legislation in the last Congress, the Committee on Joint Tax estimated that revenue for the capital gains provision was \$2.3 billion over ten years and for the chari-

table deduction was approximately \$48 million over ten years.

I hope my colleagues will help me put the internally consistent into the Internal Revenue Code for art's sake.

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. 242

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 "Art and Collectibles Capital Gains Tax Treatment Parity Act".

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (5) and (6) and inserting the following new paragraph:

"(5) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

"(A) section 1202 gain, over

"(B) the sum of—

"(i) the net short-term capital loss, and

"(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h)(9) of the Internal Revenue Code of 1986 is amended by striking "collectibles gain, gain described in paragraph (7)(A)(i)," and inserting "gain described in paragraph (7)(A)(i)".

(2) Section 1(h) of such Code is amended by redesignating paragraph (12) as paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

“(II) attaches to the taxpayer’s income tax return for the taxable year in which such contribution was made a copy of such appraisal,

“(iii) the donee is an organization described in subsection (b)(1)(A),

“(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee’s exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

“(v) the taxpayer receives from the donee a written statement representing that the donee’s use of the property will be in accordance with the provisions of clause (iv), and

“(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

“(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

“(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

“(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

“(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

“(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

“(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term ‘artistic adjusted gross income’ means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

“(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

“(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

“(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

“(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 246. A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I am pleased to be joined by Senator BINGA-

MAN in introducing legislation that declares the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara in New Mexico. This body, in the 107th Congress, passed this legislation by unanimous consent. The House did not act on it’s companion and so we are here today to reintroduce the legislation.

In 1988 the Bureau of Land Management, BLM, pursuant to the Federal Lands Policy and Management Act, declared approximately 4,484 acres located in the eastern foothills of the Jemez Mountains in north central New Mexico, including portions of Garcia and Chupadero Canyons, to be “disposal property.” The Garcia Canyon surplus lands qualify for disposal partially because the tract is an isolated tract of land almost inaccessible to the general public. It is bordered on three sides by the reservations of Santa Clara Pueblo and the Pueblo of San Ildefonso, and by U.S. Forest Service land on the remaining side. The only road access consists of unimproved roads through the two Pueblo’s reservations. These factors have resulted in minimal or no public usage of the Garcia Canyon surplus lands in recent decades.

I understand that currently there are no resource permits, leases, patents or claims affecting these lands; nor is it likely that any significant minerals exist with the Garcia Canyon transfer lands. The Garcia Canyon transfer lands contain a limited amount of lesser quality forage for livestock and have not been actively grazed for over a decade. However, the Garcia Canyon surplus lands constitute an important part of the ancestral homelands of the Pueblos of Santa Clara and San Ildefonso.

Santa Clara and San Ildefonso are two of the Tewa-speaking federally-recognized Indian Pueblos of New Mexico. Both Pueblos have occupied and controlled the areas where they are presently located many centuries before the arrival of the first Europeans in the area in the late 16th century. Their homelands are defined by geographical landmarks, cultural sites, and other distinct places whose traditional Tewa names and locations have been known and passed down in each Pueblo through the generations. Based upon these boundaries, about 2,000 acres of the Garcia Canyon surplus lands is within the aboriginal domain of the Pueblo of San Ildefonso. The remaining approximately 2,484 acres are in Santa Clara’s aboriginal lands.

The Bureau of Land Management currently seeks to dispose of the Garcia Canyon surplus lands and the Pueblos of Santa Clara and San Ildefonso seek to obtain these lands. In addition, the BLM and Interior Department for years have supported the transfer of the land to the two Pueblos, provided the Pueblos agree upon a division of the Garcia Canyon surplus lands. In response, the two Pueblos signed a for-

mal agreement affirming the boundary between the respective parcels on December 20, 2000.

The Pueblos of Santa Clara and San Ildefonso have worked diligently in arriving at this agreement. They have also worked collaboratively in seeking community support and garnering supporting resolutions from Los Alamos, Rio Arriba and Santa Fe Counties, the National Congress of American Indians and supporting letters from the National Audubon Society’s New Mexico State Office, the Quivira Coalition and the Santa Fe Group of the Sierra Club.

This unique situation presents a win-win opportunity to support more efficient management of public resources while restoring to tribal control isolated tracts of federal disposal property. Upon transfer, the Pueblos of Santa Clara and San Ildefonso intend to maintain these lands in their natural state and use them for sustainable traditional purposes including cultural resource gathering, hunting and possible livestock grazing. Where appropriate, both tribes are interested in performing work to restore and improve ecosystem health, particularly to support habitat for culturally significant animal and plant species. Both Pueblos have experience Natural Resource Management and Environmental Protection programs and are capable of managing these lands for both ecologic health and community benefits.

We want to secure Congressional authorization to transfer control of these lands to the two Pueblos, with legal title being held in trust by the Secretary of the Interior for each of the Pueblos for their respective portions of the property. I urge my colleagues to support this legislation as they did last term. I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term “Agreement” means the agreement entitled “Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract”, entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term “boundary line” means the boundary line established under section 4(a).

(3) GOVERNORS.—The term “Governors” means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term “Pueblos” means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) TRUST LAND.—The term “trust land” means the land held by the United States in trust under section 2(a) or 3(a).

SEC. 2. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., Sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., Sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., Sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., Sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., Sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., Sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., Sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 4. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 2(b) and 3(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 2(b) and 3(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 5. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Beginning on the date of enactment of this Act—

(1) the land held in trust under section 2(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 3(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the “Pueblo Lands Act”) (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 6. EFFECT.

Nothing in this Act—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

S. 247. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Harmful Algal Bloom and Hypoxia Amendments Act of 2003. This bill continues and builds upon the research efforts established in 1998 by the Harmful Algal Bloom and Hypoxia Research and Control Act.

I am very pleased to continue working with my friend and co-sponsor Senator BREAUX on this important issue. He and I represent coastal States that are directly affected by harmful algal bloom outbreaks and hypoxia, and we see the ecological and economic damage, as well as the risks to human health, that are caused by these events.

In Maine, for example, harmful algal blooms lead to paralytic shellfish poisoning, a potentially fatal neurological disorder. When humans eat shellfish that have fed on algae in the genus *Alexandrium*, they are exposed to the toxins that have accumulated in the fish as a result of the algae. Along with human, fish and marine mammals suffer and die from this exposure. This phenomenon, which occurs along thousands of miles of U.S. coastline, has increased dramatically in the Gulf of Maine in the last 20 years.

Although we have learned a great deal about harmful algal blooms and hypoxia in recent years, we still have a long way to go in understanding, predicting, and mitigating these events. Massive fish kills still occur along our coastlines on almost a regular basis, leading to extensive impacts on fish and shellfish populations and fishing industries. Beach-goers and anglers are still being warned of “no swimming” and “no fishing” alerts when conditions pose a threat to human health. The Woods Hole Oceanographic Institution, in a 2000 study, estimated the annual economic impact from harmful algae to be \$49 million, in lost tourism, fishing, and health costs. According to the National Oceanic and Atmospheric Administration, in the U.S. approximately \$1 billion could be lost in the next decade due to harmful algae.

Harmful algal blooms and hypoxia present enormous challenges to marine resource managers. For example, consider what happens in the Gulf of Mexico. Thirty-one States drain into the Mississippi River, and the runoff from this massive watershed is carried into the gulf. When the waters heat up in the summer, the heavy loads of nutrients in this runoff likely contribute to massive algal blooms. When these algae die and decompose they are consumed by bacteria, which depletes oxygen from the water. If the algal blooms are extensive enough, they will essentially remove all oxygen from the water. No sea life can live under these conditions, which creates a massive area in the water column known as the

By Ms. SNOWE (for herself and Mr. BREAUX):

“dead zone.” At that point, all we can really do is wait it out. Clearly, we need to equip our coastal and ocean managers with better tools for predicting, minimizing, and mitigating these outbreaks.

Harmful algal blooms and hypoxia are just as much of a problem now as they were in 1998, when we passed the original bill. It is clear that these problems have not gone away. Algal blooms are still prevalent around the country, the dead zone still occurs each summer in the Gulf of Mexico, and the management and mitigation measures we set the framework for in our 1998 bill still need to be realized.

Our 1998 bill authorized a cross-section of research and monitoring activities on harmful algal blooms and hypoxia. These activities were to encompass basic and applied sciences, looking at the distribution and frequency of outbreaks, as well as how they may be better mitigated and managed. This research, however, was never fully funded at the authorized amounts for research and monitoring, so many of these research activities still need to occur, and many on-going projects need to continue. These amendments would authorize the funding that will reignite these scientific activities.

Our 1998 bill also codified an Interagency Task Force, chaired by the Department of Commerce. Through this group, experts from the Environmental Protection Agency, the Department of Agriculture, the Department of the Interior, the Department of Health and Human Services, and numerous other appropriate Federal agencies were able to start the long process of collectively understanding and seeking solutions to many aspects of harmful algal blooms and hypoxia. This Task Force spearheaded a technical assessment of the causes and consequences of the northern Gulf of Mexico dead zone, an action plan to eliminate this dead zone, a national assessment of harmful algal blooms, and a national assessment of hypoxia. I would like to express my appreciation for the hard work and accomplishments of this group, yet I realize—as do they—that much more needs to be done.

The 1998 bill allowed the President to disestablish the Task Force after submission of their reports. Considering the great challenges that lay before us and this Task Force, we need to keep this group intact so that they can follow through on their previous recommendations and continue much of their ongoing collaborative efforts. This bill would repeal the Task Force disestablishment clause in the 1998 bill.

This reauthorization continues to seek the valuable contributions of Task Force members on a response and prediction action plan to protect environmental and public health from impacts of harmful algal blooms. This plan would review prediction techniques, develop innovative response measures, and include incentive-based partnership approaches. The Task

Force would contribute to this plan, as would coastal zone management experts from State and local governments, Indian tribes, industries, universities, and non-governmental organizations. In developing this process, we mirrored the process used for the dead zone action plan, one of the products of the Task Force from the 1998 bill, to ensure widespread public participation and involvement of the coastal governors.

The dead zone action plan recommended a national framework for reducing nutrients entering the Mississippi River as well as regional plans to implement any needed measures. While a national framework is essential for facilitating the widespread changes that are needed, it is at the local and regional level that solutions must be developed and implemented. The regional plans will help avoid a one-size-fits-all approach, since local and regional variations in the types of land use, landscape geology, and community input should be taken into account when carrying out nutrient reduction and outbreak mitigation measures of this magnitude. By tailoring mitigation and management measures to each location, the overall approach can be more effective.

Local and regional assessments are a key component of this reauthorization as well. Coastal states, Indian tribes, and local governments would be able to request these local and regional assessments of hypoxia and harmful algal blooms, so they can better understand the causes, impacts, and mitigation alternatives for these outbreaks. By having the Commerce Department and the Task Force provide and assist in these assessments, local and regional communities can be more empowered to take action on reducing the magnitude and impacts of these outbreaks.

This bill would authorize \$26 million in FY04, and \$26.5 million in FY05, and \$27 million in FY06. These funding levels reflect modest increases in some of the research and monitoring programs authorized in the 1998 bill and provide funding for the new assessments and implementation of their recommendations.

This reauthorization enables collaborative, science-based research efforts that can help us to better understand how to predict and mitigate harmful algal blooms and hypoxia events. It facilitates action at the local and regional levels, which is a key element for effectively addressing and minimizing the adverse ecological, economic, and health impacts of these outbreaks. I wish to thank Senator BREAU for his continued vigilance and important contributions on this matter, and I encourage my colleagues to support this bill.

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. 247

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 “Harmful Algal Bloom and Hypoxia Amendments Act of 2003”.

SEC. 2. RETENTION OF TASK FORCE.

Section 603 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 nt) is amended by striking subsection (e).

SEC. 3. PREDICTION AND RESPONSE PLAN.

Section 603 of such Act, as amended by section 2, is further amended by adding at the end the following:

“(e) PREDICTION AND RESPONSE PLAN.—

“(1) DEVELOPMENT OF PLAN.—Not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003, the President, in conjunction with the chief executive officers of the States, shall develop and submit to the Congress a plan to protect environmental and public health from impacts of harmful algal blooms. In developing the plan, the President shall consult with the Task Force, the coastal States, Indian tribes, local governments, industry, academic institutions, and non-governmental organizations with expertise in coastal zone management.

“(2) PLAN REQUIREMENTS.—The plan shall—

“(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for implementation;

“(B) identify innovative response measures for the prevention, control, and mitigation of harmful algal blooms and provisions for their development and implementation; and

“(C) include incentive-based partnership approaches where practicable.

“(3) PUBLICATION AND OPPORTUNITY FOR COMMENT.—At least 90 days before submitting the plan to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

“(4) FEDERAL ASSISTANCE.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments in implementing measures in paragraph (2), as requested.”.

SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.

Section 603 of such Act, as amended by section 3, is further amended by adding at the end the following:

“(f) LOCAL AND REGIONAL ASSESSMENTS.—

“(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

“(2) PURPOSE.—Local and regional assessments may examine—

“(A) the causes of hypoxia or harmful algal blooms in that area;

“(B) the ecological and economic impacts of hypoxia or harmful algal blooms;

“(C) alternatives to reduce, mitigate, and control hypoxia and harmful algal blooms; and

“(D) the social and economic benefits of such alternatives.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

(1) by striking "and" after "2000," in the first sentence and in the paragraphs (1), (2), (3), and (5);

(2) by inserting "\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, and \$27,000,000 for fiscal year 2007" after "2001," in the first sentence;

(3) by inserting "and \$2,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (1);

(4) by inserting "and \$5,500,000 for each of fiscal years 2004, 2005, and 2006" after "2001" in paragraph (2);

(5) by striking "2001" in paragraph (3) and inserting "2001, \$2,000,000 for fiscal year 2004, \$3,000,000 for fiscal year 2005, and \$3,000,000 for fiscal year 2006";

(6) by striking "blooms;" in paragraph (3) and inserting "blooms and to implement section 603(e);"

(7) by striking "2001" in paragraph (4) and inserting "2001, and \$6,000,000 for each of fiscal years 2004, 2005, and 2006,";

(8) by striking "and" after the semicolon in paragraph (4);

(9) by striking "2001" in paragraph (5) and inserting "2001, \$5,000,000 for fiscal year 2004, \$5,500,000 for fiscal year 2005, and \$6,600,000 for fiscal year 2006";

(10) by striking "Administration." in paragraph (5) and inserting "Administration; and"; and

(11) by adding at the end the following:

"(6) \$3,000,000 for each of fiscal years 2004, 2005, and 2006 to carry out section 603(f)."

Mr. BREAUX. Mr. President, I am pleased to rise today to join Senator SNOWE as an original cosponsor of the Harmful Algal Bloom and Hypoxia Amendments Act of 2003.

The Gulf of Mexico has a serious hypoxia condition. The water flowing out of the Mississippi River Delta is loaded with nutrients, nutrients that help things grow. In the gulf, the nutrients fuel accelerated growth of algae and other plankton-like organisms. As the organisms die and descent through the water, they decompose and rob the water of dissolved oxygen. This lack of oxygen, below a level which can sustain marine life, is hypoxia and creates what we call "the Dead Zone." In 1998, the "Dead Zone" exceeded 7,000 square miles, equivalent to the combined areas of the States of Rhode Island and Connecticut.

As a Senator from the State that is on the receiving end of this unprecedented problem and as a member of the Senate Commerce Committee, Subcommittee on Oceans and Fisheries, I was very pleased to have worked with Senator SNOWE on legislation that first drew national attention to hypoxia and harmful algal blooms, the Harmful Algal Bloom and Hypoxia Control Act of 1998.

Among important issues, the enacted legislation required an interagency task force to develop an assessment of hypoxia in the northern Gulf of Mexico. It also required the task force to submit to Congress a plan based on the assessment for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico.

The Mississippi River/Gulf of Mexico Watershed Nutrient Task Force was given a large job, to come up with a national strategy to reduce the size and growth of the "Dead Zone" in the Gulf

of Mexico off of the coast of Louisiana. They were charged by the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to put this strategy in the form of an action plan that could be undertaken by the States and partner agencies at the Federal and State level that make up the task force. They succeeded on both fronts, not only delivering an action plan, but doing so by reaching consensus after a process of strenuous debate and discussion involving many stakeholders and interests. That plan was delivered to Congress in January of 2001 but has yet to be fully funded. Even so, it has been providing some significant benefits to the Mississippi River Basin and the country.

As the action plan states "the work of the Task Force has provided a basin-wide context for the continued pursuit of both incentive-based, voluntary efforts for non-point sources and existing regulatory controls for point sources."

The task force made it clear in the action plan that efforts to reduce hypoxia in the Gulf involve cleaning up waters upstream and throughout the Mississippi River Basin, and that the benefits, economic, as well as environmental, can be achieved across the entire basin as well. Their work is providing us with a way to unify the Mississippi River Basin in terms of our common interests and resources, primary of which is the Mississippi River, probably the most important piece of infrastructure in the country.

In Louisiana, we value all of the resources of that vast system, not only our productive coastal fisheries which are endangered by hypoxia, but the corn, grain, and other food sources that are shipped out through our port system.

Solving the problem of the "Dead Zone" will require an unprecedented degree of cooperation among many States, agencies, and stakeholders. The task force is continuing to provide us with a forum and a means for expanding that cooperation.

One of the prime research facilities on the hypoxia problem is taking place at the Louisiana University Marine Consortium, LUMON, in Cocodrie, LA. LUMCON has been studying the hypoxia problem in the Gulf of Mexico since 1985 under grants from the National Oceanic and Atmospheric Administration's Coastal Ocean Program.

The combined efforts of the task force has become even more apparent over the past year, as the "Dead Zone" reached a new record size in the summer of 2002, exceeding 8,000 square miles and extending from the mouth of the Mississippi River well into the coastal waters of Texas.

I believe that the Harmful Algal Bloom and Hypoxia Amendments Act of 2003 that Senator SNOWE and I are introducing today will provide much needed funding and direction to continue the effort to mitigate and eventually eliminate the hypoxic problem in the Gulf of Mexico and harmful algal blooms in our Nation's waters.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 27

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 Select Committee on Intelligence 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 \$2,117,309, of which amount not to exceed \$37,917 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).

(b) For the period October 1, 2003 through September 30, 2004, expenses of the committee under this resolution shall not exceed \$3,726,412, of which amount not to exceed \$65,000 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).

(c) For the period October 1, 2004 through February 28, 2005, expenses of the committee under this resolution shall not exceed \$1,588,401, of which amount not to exceed \$27,083 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).

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.

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 28—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS WEAPONS INSPECTORS SHOULD BE GIVEN SUFFICIENT TIME FOR A THOROUGH ASSESSMENT OF THE LEVEL OF COMPLIANCE BY THE GOVERNMENT OF IRAQ WITH UNITED NATIONS SECURITY COUNCIL RESOLUTION 1441 (2002) AND THAT THE UNITED STATES SHOULD SEEK A UNITED NATIONS SECURITY COUNCIL RESOLUTION SPECIFICALLY AUTHORIZING THE USE OF FORCE BEFORE INITIATING ANY OFFENSIVE MILITARY OPERATIONS AGAINST IRAQ

Mr. BYRD (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. SARBANES, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 28

Whereas on November 8, 2002, the United Nations Security Council adopted Resolution 1441, stating that Iraq is in "material breach" of its obligations under previous United Nations resolutions, and giving Iraq "a final opportunity to comply with its disarmament obligations" and to accept "an enhanced inspection regime";

Whereas Iraq formally accepted the return of weapons inspectors under the terms of United Nations Security Council Resolution 1441 on November 13, 2002, and according to a joint statement issued January 20, 2003, by the International Atomic Energy Agency (IAEA), the United Nations Monitoring and Verification Commission (UNMOVIC), and Iraq, the Government of Iraq has provided the weapons inspectors with access to all sites;

Whereas on December 7, 2002, Iraq provided a 12,000-page declaration of past chemical, biological, and nuclear programs to the Security Council, which declaration, after preliminary review, was described by Mohamed ElBaradei, the Director General of the IAEA, as incomplete and inconclusive, but which produced no "smoking gun";

Whereas, according to the joint statement made by UNMOVIC, IAEA, and Iraq on January 20, 2003, Iraq pledged to offer United Nations inspectors more help in their search for evidence of weapons of mass destruction and expressed a readiness to respond to questions raised in connection with the December 7, 2002 declaration;

Whereas Hans Blix, Executive Chairman of UNMOVIC, reported to the United Nations Security Council on January 27, 2003, that Iraq has been cooperating with the weapons inspectors on process but has failed to demonstrate active cooperation on matters of substance;

Whereas Dr. Blix earlier characterized the January 27, 2003, report to the Security

Council as an interim update intended to mark "the beginning of the inspection and monitoring process, not the end of it";

Whereas IAEA Director General ElBaradei reported to the Security Council on January 27, 2003, that his agency has found no evidence that Iraq has revived its nuclear weapons program;

Whereas Dr. ElBaradei urged the Security Council on January 27, 2003, to allow the inspection process to "run its natural course" over the next few months;

Whereas the United Nations weapons inspectors have failed to obtain evidence that would prove that Iraq is in material breach of the terms of the United Nations Security Council Resolution 1441 (2002);

Whereas European and Arab officials are reportedly trying to persuade Saddam Hussein to leave Iraq voluntarily, and senior officials in the executive branch of the United States Government have said that they would welcome exile for Hussein;

Whereas the emergence of a nuclear crisis in North Korea, and the contradictory responses by the United States to the situations in North Korea and Iraq, have cast doubts on the consistency and propriety of the United States doctrine of preemption, especially in the international community;

Whereas war with Iraq to enforce United Nations Security Council Resolution 1441 (2002) should not be a unilateral decision as it is likely to have international ramifications on the worldwide supply of oil, including the possibility of widespread economic destabilization if Middle East oil supplies are interrupted;

Whereas key members of the United Nations Security Council, including Great Britain, Germany, the Russian Federation, France, and China, have expressed their belief that the weapons inspectors need more time to continue their work and have urged the United States not to rush to a decision to invade Iraq without seeking the support of the Security Council;

Whereas United Nations Security Resolution 1441 (2002) does not authorize the use of force but instead stipulates that the Security Council will convene immediately to consider any failure on the part of Iraq to comply with the Resolution;

Whereas the President, in his September 12, 2002, address to the United Nations regarding Iraq's failure to comply with previous United Nations Security Council resolutions, pledged to work with the Security Council for the "necessary resolutions" and has stated repeatedly since that time that he has made no decision on whether to invade Iraq;

Whereas no evidence has been presented to the Senate or the American people to link Iraq with the September 11, 2001, terrorist attacks on the United States;

Whereas there is growing concern that war with Iraq would greatly heighten the threat of terrorist attacks on United States citizens at home, including the possibility of chemical, biological, or nuclear weapon attacks;

Whereas the terrible cost of war—in lives lost in Iraq and potentially the United States, Israel, and other nations in the Middle East and elsewhere, and in the massive drain on America's treasure—is a cost that the United States and its allies should strive to avoid if at all possible; and

Whereas a United States-initiated war with Iraq is likely to inflame passions in the Middle East and could precipitate further conflict between the Israelis and Palestinians as well as a surge in regional terrorism: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United Nations weapons inspectors should be given sufficient time to carry out

the inspections, and collect the data, that are necessary for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002);

(2) the United States and other member nations of the United Nations Security Council should work together to exhaust all peaceful and diplomatic means for disarming Iraq before launching an invasion of Iraq;

(3) international emissaries, including European and Arab leaders, should be given adequate time to pursue strategies to persuade Saddam Hussein to leave Iraq voluntarily and avert war;

(4) before initiating any offensive military operation in Iraq to enforce United Nations Security Council Resolution 1441 (2002), the United States should seek a specific authorization for the use of force from the United Nations Security Council;

(5) the United States should re-engage in the Middle East peace process in an effort to end the violence between the State of Israel and the Palestinians; and

(6) the United States should redouble its efforts to secure the United States homeland in light of the growing number of intelligence assessments highlighting the vulnerability of the United States for further terrorist attacks.

SENATE RESOLUTION 29—DEMANDING THE RETURN OF THE USS PUEBLO TO THE UNITED STATES NAVY

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas the USS Pueblo, which was attacked and captured by the North Korean Navy on January 23, 1968, was the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate North Korean territorial waters;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungnam, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) demands the return of the USS Pueblo to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

Mr. CAMPBELL. Mr. President, I am pleased to submit a Senate Resolution calling on North Korea to return the USS *Pueblo* to the United States Navy. The legislation I am reintroducing today is based on a resolution I introduced last year during the 107th Congress, Senate Resolution 246.

On January 23, 1968, the USS *Pueblo* was unjustly attacked and captured by

the North Korean Navy, becoming the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years. At the time of its capture, the USS *Pueblo* was operating as an intelligence collection auxiliary vessel, and did not pose a threat.

This act of aggression resulted in the USS *Pueblo*'s 82 crew members being held in captivity for eleven months, often in inhumane conditions. Another brave crew member, Duane Hodges, was killed during the initial attack and several more crew members were wounded. On December 23, 1968, after nearly a year of being unjustly detained the surviving USS *Pueblo* crew members were finally released and allowed to return home.

It is interesting to note that the USS *Pueblo* I am calling on the North Koreans to return today is in fact the third ship of the fleet to be named in honor of the city and county of Pueblo, located in my home State of Colorado. The first ship of the fleet to be named in honor of Pueblo was an armored cruiser which had previously been named the Colorado. In 1916, the USS *Colorado* was renamed as the USS *Pueblo* when a new battleship named USS *Colorado* was authorized. The first USS *Pueblo* served until 1927. The second USS *Pueblo* was a city class frigate which served from 1944 to 1946. She was later sold to the Dominican Republic where she serves today.

The third USS *Pueblo* is the ship now wrongly held by the North Koreans. Built by the Kewaunee Shipbuilding and Engineering Corporation, Kewaunee, WI, the ship originally served as a general purpose supply vessel FP-344 for service in the U.S. Army Transportation Corps when she was launched on April 16, 1944. During 1966 and 1967 the ship was converted, redesignated as the USS *Pueblo* and commissioned as an environmental research vessel, AGER-2.

It is important to note that even to this day the capture of the USS *Pueblo* has resulted in no reprisal against North Korea, demonstrating remarkable restraint by the United States. Even though the USS *Pueblo* still clearly remains the legal property of the United States Navy, the North Korean Government has kept it on display as a sort of traveling propaganda museum.

Recent events have made it clear that many unresolved issues remain regarding our Nation's relationship with North Korea. For example, North Korea's recent high-profile resumption of nuclear saber-rattling presents a serious resurgent challenge that we, our allies in Northeast Asia and the rest of the world community must take seriously.

While I certainly agree that successfully resolving this situation is first

and foremost, I also believe that there are other positive restorative steps that the North Koreans should take in order to help improve our bilateral relationship. One such action would be to return the USS *Pueblo* to its rightful owners, the United States Navy and the American people they serve and protect.

While returning the USS *Pueblo* may not necessarily remove the 35 year-old scars inflicted by the attack of January 23, 1968, and especially those suffered by the crew of the USS *Pueblo* and by their families and loved ones, it would serve as a good will gesture, a salve if you will, signaling hope for a brighter future between our two nations' peoples.

I stand with my colleagues back home in the Colorado State General Assembly in demanding the return of the USS *Pueblo* to the United States Navy.

I urge my colleagues here in the U.S. Senate to join me in supporting passage of this important resolution.

SENATE RESOLUTION 30—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING SEPTEMBER 14, 2003, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM of South Carolina submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 30

Whereas there are 105 historically black colleges and universities in the United States;

Whereas historically black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas historically black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week".

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 14, 2003, as "National Historically Black Colleges and Universities Week"; and

(2) calling on the people of the United States and interested groups to observe the

week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

SENATE RESOLUTION 31—DESIGNATING THE WEEK OF SEPTEMBER 11 THROUGH SEPTEMBER 17, 2003, AS "NATIONAL CIVIC PARTICIPATION WEEK"

Mr. ROBERTS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 31

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called "schools of freedom"—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at any time in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week of September 11 through September 17, 2003, as "National Civic Participation Week";

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

SENATE RESOLUTION 32—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE ACTIONS THE PRESIDENT SHOULD TAKE BEFORE ANY USE OF MILITARY FORCE AGAINST IRAQ WITHOUT THE BROAD SUPPORT OF THE INTERNATIONAL COMMUNITY

Mr. KENNEDY (for himself and Mr. BYRD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 32

Whereas more than three months have passed, and circumstances have significantly changed, since Congress acted in October 2002 to authorize the use of military force against Iraq;

Whereas the United Nations Security Council unanimously approved Security Council Resolution 1441 (2002) requiring Iraq to cooperate with strict weapons inspections and give United Nations weapons inspectors "immediate, unimpeded, unconditional, and unrestricted access" to all suspected sites involving such weapons;

Whereas United Nations weapons inspectors arrived in Iraq on November 18, 2002, submitted their 60-day report to the Security Council about Iraq's cooperation with weapons inspections on January 27, 2003, and will report again on their activities on February 14, 2003;

Whereas the President has not yet made a compelling case to Congress, the American people, or the international community that the use of armed force is the only alternative to disarm Iraq; and

Whereas Congress and the American people are increasingly concerned that the President is prepared to use armed force against Iraq without broad support by the international community, and without making a compelling case that Iraq presents such an imminent threat to the national security of the United States that unilateral action is justified: Now, therefore, be it

Resolved, That it is the sense of the Senate that, before the President uses military force against Iraq without the broad support of the international community, the President should—

(1) provide full support to the United Nations weapons inspectors to facilitate their ongoing disarmament work; and

(2) obtain approval by Congress of new legislation authorizing the President to use all necessary means, including the use of military force, to disarm Iraq.

SENATE RESOLUTION 33—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF ARTHUR J. RYNEARSON, DEPUTY LEGISLATIVE COUNSEL OF THE UNITED STATES SENATE

Mr. STEVENS (for himself, Mr. BYRD, Mr. FRIST, Mr. DASCHLE, Mr. LUGAR, Mr. KENNEDY, Mr. WARNER, Mr. INOUE, Mr. GREGG, Mr. BIDEN, Mr. KYL, Mr. LEAHY, Mr. BROWNBARK, Mr. SARBANES, Mr. ALLEN, Mr. DODD, Mr. KERRY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. CORZINE, and Mr. HAGEL,) submitted the following resolution; which was considered and agreed to:

S. RES. 33

Whereas Arthur J. "Art" Ryneerson, the Deputy Legislative Counsel of the Senate,

became an employee of the Senate on August 25, 1976, and since that date has ably and faithfully upheld the high traditions and standards of the Office of the Legislative Counsel of the United States Senate for more than 26 years;

Whereas Art Ryneerson has served as Deputy Legislative Counsel since October 20, 1999, and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Art Ryneerson for more than 26 years was the primary drafter in the Senate of virtually all legislation relating to international relations, international security, immigration, and the State Department, and all matters relating to Senate consideration of international treaties;

Whereas Art Ryneerson will retire on January 31, 2003, after more than 28 years of service with the Congress, including more than 2 years with the Congressional Research Service of the Library of Congress; and

Whereas Art Ryneerson has met the legislative drafting needs of the United States with unfailing professionalism, skill, and dedication: Now, therefore, be it

Resolved, That the United States Senate commends Arthur J. Ryneerson for his more than 26 years of faithful and exemplary service to the United States Senate and the Nation, including 4 years as the Deputy Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Arthur J. Ryneerson.

SENATE RESOLUTION 34—EXPRESSING SUPPORT FOR THE EMERGENCY FIRST RESPONDERS AND COMMUNITIES WHICH ARE THE FRONT LINES OF THE NATION'S HOMELAND DEFENSE

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 34

Whereas since the September 11, 2001 terrorist attacks on our country, first responders—the men and women who serve as police officers, firefighters, and emergency services personnel—and communities all across the United States have found themselves on the front lines of homeland defense in the war against terrorism on United States soil;

Whereas we recognize that the first responders and communities have been forced to bear almost all of the financial burden that accompanies this responsibility;

Whereas it is inappropriate for the first responders and communities to bear that responsibility alone;

Whereas State and local fiscal crises have led to layoffs of first responders and the closing of police and fire stations all across America at a time when the homeland security demands on our first responders and local communities are greater than ever;

Whereas Congress has provided strong support for homeland security through the appropriation of funds to help our first responders and local communities improve homeland defense, but the Senate recognizes that not all of these resources have yet reached our first responders and local communities;

Whereas in addition to the homeland security funding that Congress has already appropriated, additional homeland security resources are needed by our first responders and local communities;

Whereas the strength of this Nation's homeland defense depends upon the appropriation of homeland security resources in addition to the full funding of traditional first responder federal programs, such as the COPS program and the grant program commonly known as the FIRE Act program, which have greatly benefited the American people by helping first responders reduce crime and prevent and respond to fires and other emergencies; and

Whereas we recognize that homeland defense will only be as strong as the weakest link at the State and local levels and that the home front will be better prepared and the United States will be stronger if the first responders and our communities have the resources and tools that they need to bolster emergency preparedness and response efforts: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should fully fund all traditional first responder programs and appropriate substantial additional resources to assist local communities and first responders in making the homeland defense of the United States as strong as possible.

SENATE CONCURRENT RESOLUTION 3—RECOGNIZING, APPLAUDING, AND SUPPORTING THE EFFORTS OF THE ARMY AVIATION HERITAGE FOUNDATION, A NON-PROFIT ORGANIZATION INCORPORATED IN THE STATE OF GEORGIA, TO UTILIZE VETERAN AVIATORS OF THE ARMED FORCES AND FORMER ARMY AVIATION AIRCRAFT TO INSPIRE AMERICANS AND TO ENSURE THAT OUR NATION'S MILITARY LEGACY AND HERITAGE OF SERVICE ARE NEVER FORGOTTEN

Mr. MILLER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 3

Whereas the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia in 1997, is an all volunteer organization composed of veterans, their families, and civilian supporters acting in concert to connect the American soldier to the American public through the use of the story of Army Aviation;

Whereas the Army Aviation Heritage Foundation is not a part of the United States Army and receives no Federal funding;

Whereas funds for the activities of the Army Aviation Heritage Foundation come entirely from donations made by private individuals and corporations;

Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation's Armed Forces and the legacy of its veterans to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous other smaller community outreach initiatives;

Whereas these living history programs are designed and presented to honor the Armed Forces and its veterans while inspiring the public that ultimately supports the Armed Forces and giving the public a glimpse of military life, service, and devotion;

Whereas the Army Aviation Heritage Foundation has devoted over 150,000 volunteer hours and over \$5,300,000 in donated funds, aircraft, and equipment in organizing,

developing, and conducting 35 public presentations that have helped to foster patriotism and present our Nation's military stories to an audience of more than 5,500,000 people; and

Whereas the Army Aviation Heritage Foundation is acting to provide America's veterans a voice with which to tell their story and the tools with which to share with the American public their legacy of service and devotion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

(1) To educate the American public regarding the military heritage of the United States through the story of United States Army Aviation's soldiers and machines.

(2) To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.

(3) To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation's larger military legacy.

(4) To preserve authentic examples of Army aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, January 29, 2003 at 9:30 a.m. to conduct a business meeting regarding Committee Rules.

The meeting will be held in SD 406.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, January 29, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 108th Congress by electing the Chairman and Vice Chairman of the committee and to adopt the rules of the committee and any other organizational business the committee needs to attend to.

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

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a Judicial Nominations hearing on Wednesday, January 29, 2003 in Dirksen Room 226 at 9:30 a.m.

Tentative Agenda

Panel I: The Honorable Dianne Feinstein, U.S. Senator (D-CA); the Honorable Mike DeWine, U.S. Senator (R-OH); the Honorable John Cornyn, U.S.

Senator (R-TX); the Honorable John Warner, U.S. Senator (R-VA); the Honorable Kay Bailey Hutchison, U.S. Senator (R-TX); the Honorable George Voinovich, U.S. Senator (R-OH).

Panel II: Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit; John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit; and Jeffrey Sutton to be U.S. Court of Appeals Judge for the Sixth Circuit.

Panel III: John Adams to be U.S. District Court Judge for the Northern District of Ohio; Robert Junell to be U.S. District Court Judge for the Western District of Texas; S. James Otero to be U.S. District Court Judge for the Central District of California.

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

COMMITTEE ON NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Natural Resources be authorized to meet during the session of the Senate, on Wednesday, January 29 at 9:30 a.m. to consider pending calendar business.

BUSINESS MEETING AGENDA

Agenda item	Date put on agenda	Page
1. The Committee's Budget Resolution for a two-year period, March 1, 2003 through February 28, 2005	1/27/03	1
2. The Committee Questionnaire for Presidential Nominees	1/27/03	2

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 29, 2003 at 2:30 p.m. to hold a business meeting.

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

SUBCOMMITTEE ON SCIENCE AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science and Transportation be authorized to meet on Wednesday, January 29, 2003, at 2:30 p.m. on the science and ethics of human cloning.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session, the following nominations then be discharged from the HELP Committee, and the Senate proceed en bloc to their consideration:

PN-66, Edwin Rigaud to be member of National Museum Services Board; PN-64, Elizabeth Pruet to be member of National Museum Services Board; PN-63, Harry Robinson to be member of National Museum Services Board;

PN-84, Dana Gioia to be Chairperson of the National Endowment For the Arts.

I further ask unanimous consent that all of the mentioned nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements relating to the nominations appear at this point in the RECORD, and the Senate then resume legislative session, with all of the above occurring en bloc.

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

The nominations were considered and confirmed en bloc, as follows:

NATIONAL MUSEUM SERVICES BOARD

Edwin Joseph Rigaud, of Ohio, to be Member of the National Museum Services Board for a term expiring December 6, 2007.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

NATIONAL ENDOWMENT FOR THE ARTS

Dana Gioia, of California, to be Chairperson of the National Endowment for the Arts for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that on Thursday, at a time determined by the majority leader, with the concurrence of the Democratic leader, the Senate proceed to executive session and that the nomination of Gordon England, to be Deputy Secretary of Homeland Security, be discharged from the Governmental Affairs Committee; further, that the Senate then proceed to its consideration; that there be 20 minutes of debate equally divided between the chairman and ranking member; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the nomination, with no intervening action or debate; that following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 13, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table.

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

The joint resolution (H.J. Res. 13) was read the third time and passed.

NATIONAL MENTORING MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 25, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 25) designating January 2003 as "National Mentoring Month".

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 25) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 25

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas numerous studies and research document that mentors help youth augment social skills and emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some youth, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas 17,600,000 youth, nearly half the youth population, want or need mentors to help them reach their full potential;

Whereas there exists a large "mentoring gap" of unmet needs, as evidenced by the fact that just 2,500,000 youth are in formal mentoring relationships, leaving 15,000,000 youth still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a youth;

Whereas National Mentoring Month will encourage organizations of all kinds—businesses, faith communities, government agencies, schools, and other organizations—to engage their constituents in mentoring; and

Whereas the celebration of that month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's youth: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of January 2003 as "National Mentoring Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring.

EXPRESSING GRATITUDE FOR THE SERVICE OF ARTHUR J. RYNEARSON

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 33, which was submitted earlier today by Senators STEVENS and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 33) expressing the gratitude of the United States Senate for the service of Arthur J. Ryneerson, Deputy Legislative Counsel of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I rise to commend Mr. Art Ryneerson, the Deputy Legislative Counsel of the Senate, who retires on January 31, 2003, after serving in the Senate for more than 26 years, including more than 3 years as Deputy Legislative Counsel.

As President pro tempore of the Senate, it is my pleasure to oversee the work of the Office of the Legislative Counsel. I appreciate the great dedication and professionalism Art Ryneerson has displayed in his role as an attorney in the Office and in his service as Deputy Legislative Counsel.

The Office of Legislative Counsel plays a very important role in the legislative process. We all rely upon the attorneys in the office to provide legislative drafts to effectively carry out our legislative policy. Mr. Ryneerson, in his role as Deputy Legislative Counsel, has helped to see that we are all served well by a professional, career, and nonpartisan staff.

In addition to his service as Deputy Legislative Counsel, Art Ryneerson served for more than 26 years as the principal drafter in the Senate on virtually all matters relating to international relations, international security, immigration and the State Department, and all matters relating to

Senate consideration of international treaties. He served the Senate well in that regard, with a commanding knowledge of international law and the dedication to put in long hours in service of the Committee on Foreign Relations.

Mr. President, I am proud to sponsor this resolution, and I am proud to have known and worked with Art Ryneerson. He has served his Nation well for over 28 years, including 2 years with the Library of Congress. I wish Art and his wife, Mary Linda, the very best for the future, especially time spent enjoying their retirement.

Mr. BYRD. Mr. President, I am proud to cosponsor with Senator STEVENS a resolution commending Mr. Art Ryneerson who is retiring as Deputy Legislative Counsel of the Senate on January 31, 2003. I have had the pleasure of working with Art on many laws relating to foreign policy matters.

I wish to join with Senator STEVENS, and with all Senators, in expressing our deepest gratitude to Art Ryneerson for his long years of service to the United States Senate. He has been part of the Office of Legislative Counsel for more than 26 years, including the last 4 as Deputy Legislative Counsel; and during that time he has provided valuable assistance to me and to my staff.

While overseeing the Office of Legislative Counsel as President pro tempore, I appreciated the great dedication and professionalism Art Ryneerson displayed in carrying out his duties and responsibilities. I know that his departure will leave a void that is difficult to fill as he is truly a part of the institutional memory of the Senate. In passing this resolution, the Senate recognizes his years of commitment to the Senate.

Mr. President, I wish Art Ryneerson and his wife, Mary Linda, well in his retirement.

Mr. KENNEDY. Mr. President, on behalf of Senator BROWNBACK and myself, we welcome this opportunity to honor the outstanding career and contributions of a truly dedicated and gifted member of our Senate family, the Deputy Legislative Counsel of the Senate, Art Ryneerson.

Many of us have been very grateful to Mr. Ryneerson over the years for his superb assistance in preparing legislation on foreign affairs. His many accomplishments in this area include drafting, editing, and organizing the 2003 Foreign Relations Authorization Act, the Iran-Libya Act, the Comprehensive Anti-Apartheid Act of 1986; the Senate conditions to the Protocols for the Expansion of NATO, the Chemical Weapons Convention, the START Treaty, and the Panama Canal Treaties.

Senator BROWNBACK and I, and all the members of the Immigration Subcommittee, are especially grateful to Mr. Ryneerson for his skillful work in legislation on immigration, naturalization, and refugee affairs. Mr. Ryneerson's thoughtful insight, and his

mastery of these issues have resulted in articulate, well-drafted, and far-reaching laws that have helped countless immigrants and refugees.

Art Ryneearson's many contributions are well-known and greatly appreciated by all of us who know him and admire him, and millions of men and women and children who may never know his name have benefited from his dedication and commitment. As he retires after 26 years of heart-felt service and high ability, he has the gratitude and respect of all of us in the Senate, and we wish him well in his retirement.

Mr. BIDEN. Mr. President, today the Senate expresses its appreciation and best wishes to one of the great unsung heroes who make this institution work.

Art Ryneearson, the Senate's Deputy Legislative Counsel, is retiring after over 26 years of exemplary service to this body. Art has been a backstage participant in many historic foreign policy decisions of the Senate, assisting the Foreign Relations Committee to draft both legislation and resolutions of advice and consent to ratification of treaties. His actions were rarely recognized or noticed by the public, but his contributions were essential. Art's job was to ensure that our legislation clearly expressed the intent of the committee and that it meshed properly with existing law. He accomplished that through marvelous attention to detail and a complete absence of partisanship.

During the past 6 years, during which I have served as either the chairman or ranking member of the committee, Art has borne a heavy burden—working on such matters as the Chemical Weapons Convention, NATO enlargement, and major legislation to restructure America's foreign policy agencies. The committee owes him a great debt.

It is not overstatement to say that the Senate could not function without people like Art Ryneearson. Every day—and many a night—he was there, unfailingly courteous and professional, ready to assist the committee's members and staff to draft and refine legislation for consideration by the committee and the Senate. His knowledge of foreign relations and immigration law, gained through his many years of service, will not be easily replaced.

I know that I speak for all of my colleagues on the Foreign Relations Committee in saying thank you to Art Ryneearson. We wish him and his wife, Mary, every happiness as he begins his next stage in life.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 33) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 33

Whereas Arthur J. "Art" Ryneearson, the Deputy Legislative Counsel of the Senate, became an employee of the Senate on August 25, 1976, and since that date has ably and faithfully upheld the high traditions and standards of the Office of the Legislative Counsel of the United States Senate for more than 26 years;

Whereas Art Ryneearson has served as Deputy Legislative Counsel since October 20, 1999, and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Art Ryneearson for more than 26 years was the primary drafter in the Senate of virtually all legislation relating to international relations, international security, immigration, and the State Department, and all matters relating to Senate consideration of international treaties;

Whereas Art Ryneearson will retire on January 31, 2003, after more than 28 years of service with the Congress, including more than 2 years with the Congressional Research Service of the Library of Congress; and

Whereas Art Ryneearson has met the legislative drafting needs of the United States with unfailing professionalism, skill, and dedication: Now, therefore, be it

Resolved, That the United States Senate commends Arthur J. Ryneearson for his more than 26 years of faithful and exemplary service to the United States Senate and the Nation, including 4 years as the Deputy Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Arthur J. Ryneearson.

MEASURE READ THE FIRST TIME—S. 241

Mr. FRIST. Mr. President, I understand that S. 241, which was introduced earlier today by Senators SNOWE and KERRY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

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

Mr. FRIST. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JANUARY 30, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m., Thursday, January 30. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 1 p.m., with the time equally divided and Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of Senators, we do expect a couple of nominations to be available for the Senate's consideration during Thursday's session. We now have a consent agreement for the consideration of the nomination of Gordon England, to be Deputy Secretary of Homeland Security. Votes are, therefore, possible during tomorrow's session. We will alert all Members as the voting times become more certain.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

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 7:23 p.m., adjourned until Thursday, January 30, 2003, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 2003:

THE JUDICIARY

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE JAMES C. FOX, RETIRED.

RICHARD D. BENNETT, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE FREDERIC N. SMALKIN, RETIRED.

THERESA LAZAR SPRINGMANN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE JAMES T. MOODY, RETIRED.

JAMES V. SELNA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE J. SPENCER LETTS, RETIRED.

J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE STEPHEN M. REASONER, RETIRED.

PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE WILLIAM C. LEE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552.

To be colonel

JOSEPH P. DIBENEDITTO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552.

To be major

JOHN C. LANDRENEAU, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHARLES R. BAILEY, 0000
LAWRENCE M. BARRY, 0000
GLEN L. BLOOMSTROM JR., 0000
KENNETH N. BROWN, 0000
ROGER D. HEATH, 0000
FREDERICK E. HOADLEY, 0000
STEVEN E. MOON, 0000
TED W. NICHOLS, 0000
ARTHUR C. PACE, 0000
RICHARD L. PACE, 0000
CHARLES D. REESE, 0000
KENNETH L. SAMPSON, 0000
DAVID W. SMARTT, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29, 2003:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003.

ELIZABETH J. PRUETT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

DANA GIOIA, OF CALIFORNIA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF FOUR YEARS.