

American women have mortality rates over four times higher than that of non-Hispanic whites. American Indian/Alaska Natives, Asian/Pacific Islanders, and Hispanic women have mortality rates 67 percent, 55 percent, and 41 percent, respectively, that are higher than non-Hispanic whites.

To address this problem, we have pushed to provide States the option to provide comprehensive coverage to pregnant women, including lifesaving postpartum care through the CHIP program. The Bush administration has decided to reject that approach and, instead, proposed a regulation that does not provide comprehensive coverage such as postpartum care to pregnant women. The administration has chosen, instead, to pursue an ideological agenda with respect to women's health and abortion rather than to address this most basic health issue for women and infants.

There are other areas that show a lack of commitment to equal opportunity for Americans. For example, the administration alleges it wants to eliminate poverty through progressive welfare-to-work policies. I heard the President yesterday indicating his desire that people work 40 hours a week. I favor requiring people to work whatever is reasonable, but we have seen great resistance from the administration in our efforts to increase child care funding, which is essential for the mothers we are now requiring to go to work. We need to see that that issue is adequately addressed. And the administration needs to support our efforts to increase child care funding as part of any reauthorization of the welfare legislation.

There has been a lot of discussion in the last few days about the unfairness and inequities in the tax proposal of the administration and how that is clearly skewed to help the wealthy and not to help the average American of whatever racial or ethnic background.

In the area of pension reform, again, minorities are less likely to work for an employer that offers a retirement plan. We need to do something significant to try to expand pension coverage in this country. That is a great failing. Well over half of the private sector employees in my State do not have pension coverage, and that is an issue that needs addressing as much as anything else in the pension area.

To summarize my views, we need to provide equal access to high quality education, equal access to adequate health care, and to child care. We need to support equitable tax policies. That is what is essential if we are going to support equity and equality and really follow through on the rhetoric which we hear related to the birthday of Martin Luther King.

#### THE UNEMPLOYMENT COMPENSATION ACT

Mr. BINGAMAN. Mr. President, let me also speak to the Unemployment

Compensation Act we passed. Last week, Congress passed important legislation to help nearly 4 million Americans whose eligibility for unemployment insurance benefits expired on the 28th of December.

Three million of these Americans are now entitled to an additional 13 weeks of extended unemployment benefits through the first half of 2003. Another 780,000 will receive the remainder of the original 13 weeks that they were entitled to under the temporary extended unemployment compensation program. This is good news. I, as most of my colleagues, I am sure, announced in my State that this was good news for unemployed workers and we needed to thank the President and thank all who helped to get that done.

The bad news, though, is that this legislation did not help an estimated 1 million Americans who have exhausted their unemployment insurance benefits and are no longer eligible for assistance. The fundamental problem in the United States, in my State of New Mexico as well as other States, is that jobs are being lost and, unfortunately, no new net jobs are being created. The economy is not getting better. It is getting worse.

Americans are caught in a downward economic spiral economically that began 2 years ago. It shows no signs of improvement.

The problem with the legislation we passed this last week is that it simply ignored these million people who do not have jobs today and who likely will not have jobs anytime soon. These are people who have played by the rules, who, through no fault of their own, find themselves without a job. Many of them are trying to get the skills necessary to be able to take another job, but we have cut off any benefit to them.

I believe we need to help these people in a tangible way. Providing extended unemployment benefits in a time of crisis is the least we can do. Unemployment insurance offers, at most, a subsistence level of existence. No one gets rich on unemployment insurance. It seems to me we should be able to offer some financial security to our friends and neighbors when they need it most.

In my home State, I have seen this issue most directly in those who have become unemployed in my home county of Grant County where the copper mine and smelter have essentially shut down. The workers in that mine and smelter have found themselves unemployed. The unfortunate reality is that many of those people lost their jobs before March of this last year. Accordingly, they have run through the 39 weeks of unemployment compensation they could receive, and we have failed to add to that and provide any additional assistance to them.

Back in the early 1990s, we passed a series of bills over a 2-year period specifically designed to help people who had no chance of obtaining jobs until that economy improved. Most Ameri-

cans during that period—this was 10 years ago, when former President Bush was in the White House—were entitled to at least 52 weeks of unemployment insurance coverage. Some Americans in high employment States were entitled to even more.

I don't understand why we are not willing to step up and do that same thing again in this current economic circumstance. In fact, the economic circumstance we find ourselves in today is at least as bad as what we faced in the early 1990s.

We could be using this as an opportunity to retool and make our country stronger economically. Instead, we are pretending the problem does not exist and pretending that these workers will somehow or other fend for themselves. The policy makes no sense to me. I don't think it is good strategy. It is not good economics.

I add my voice to that of other colleagues who spoke last week who argued that we need to do more for those who are out of work. I hope if the economy continues to suffer as it currently is, we will revisit this issue and provide these extended unemployment benefits out to 52 weeks for unemployed Americans.

Offering extended benefits to Americans who have exhausted their unemployment benefits is a step in making this country stronger. I urge that course on my colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

I ask unanimous consent to proceed for 10 minutes as in morning business.

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

Mr. KENNEDY. Mr. President, reports indicate that the Bush administration intends to submit a brief in the Supreme Court opposing the University of Michigan's use of affirmative action in its admissions policy. This still sends the absolute wrong message about the administration's commitment to civil rights and equal educational opportunity for all Americans. Today is Martin Luther King's birthday, and he would be the first to condemn the shameful hypocrisy of the administration on race.

Affirmative action is critical to providing educational opportunities for qualified minority students. Much of the progress that we have made in this country in reducing the income and employment gaps between minorities and whites is the direct result of affirmative action programs that have provided minority students with access to colleges and universities.

We know that the struggle for equality is not over. Even with affirmative action, there are significant racial disparities in higher education between

minority students and white students. Currently, African-Americans enroll in higher education at 85 percent the rate of white students. Latinos enroll in higher education at only 80 percent the rate of white students. As a country, we need to work to close that gap, as the administration now proposes, not widen it.

By providing educational opportunities to talented minority students, affirmative action programs help benefit all of our society. We all benefit when students are allowed to fulfill their true potential. We all benefit from lower poverty rates, and higher income and employment rates. Students benefit from the interaction and learning that takes place among students from different racial and ethnic backgrounds.

Opponents of affirmative action rely on myths that are refuted by numerous studies and even by common sense. They argue that affirmative action is unfair to qualified white students. But as the Michigan admissions programs demonstrate, affirmative action programs do not involve special quotas or set-asides for minority students. A student's racial and ethnic background is one among many factors that are considered in determining admission. In addition to a student's grades, test scores and recommendations, universities consider such factors as whether student's parents are alumni, a student's socio-economic background, their geographic background and whether they have special artistic, athletic or other talents to contribute. Given the range of factors considered in college admissions, the true unfairness would come from saying race and ethnicity are the only factors that could not be considered.

Opponents also argue that affirmative action helps unqualified students. The University of Michigan's affirmative action program admits only qualified students. The success of minorities graduating from selective schools as measured by their graduation rate, their performance in professional and graduate school, and their success in future careers and as community leaders is well documented in a recent study by William Bowen and Derek Bok in their book "Shape of the River." Most of the African-American and Latino students accepted under affirmative action come from lower-income backgrounds than white students. They are more likely to have gone to segregated and poorly-funded schools, and much less likely to have parents who had attended college. Yet despite these disadvantages, their success was comparable to their white counterparts.

The administration suggests that it supports the idea of racial and ethnic diversity, but that it doesn't believe that one should use what it calls "racial preferences" to achieve this. This, however, is a cop-out that evades the key question posed by the Michigan case: that is, whether racial and ethnic

diversity is a compelling governmental interest. Not whether it is a merely good thing, but whether, given the central importance of integrated schools to our society, it is a constitutionally compelling interest.

Moreover, any suggestion that all universities can enroll a diverse student simply by relying on race-neutral programs, such as percentage plans is simply wrong. As a recent report by the U.S. Civil Rights Commission makes clear, percentage plans have failed to markedly affect enrollment of minorities at flagship state universities. In addition, these programs do not even purport to reach graduate or professional schools or private colleges, all of which would be affected by the Supreme Court's ruling.

In failing to support the University of Michigan's program, the Administration is undermining the central promise of the Fourteenth Amendment's equal protection clause. The equal protection clause was founded on the notion of providing equality of opportunity to all Americans, particularly those who had been disadvantaged by our country's history of discrimination. We have done tremendous work in this country to improve educational opportunities from elementary school through higher education, and to reduce racial inequities, but our work to fulfill the promise of the equal protection clause, and the core values that underlie our democracy is not done. I had hope that the administration would join those of us who seek to continue that struggle and I am tremendously disappointed in the decision they have made today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, may I inquire, are we in a period for morning business?

The PRESIDING OFFICER. Yes.

#### NORTH KOREA

Mr. KYL. Mr. President, I wish to speak to the issue that is very much on everybody's mind today, and that is the question of what is going to happen on the peninsula of North Korea and how do the actions of the United States, with respect to the North Korean Government's violation of international agreements, affect our ability to deal with the current situation we face in Iraq.

Let me begin by saying that there have been attempts by people in the media to compare the threats between Iraq on one hand and North Korea on the other, sometimes I think in an effort to suggest that the President has misplaced his priorities. I would like to set the record straight.

I think the administration has made it clear, and others are very clear, that there is a big threat from both Iraq and North Korea. Make no mistake about it, it serves no purpose to try to compare those threats in some theoretical

way. Both have to be dealt with in their own way, and that also means in their own time.

The reason the administration began dealing with Saddam Hussein and Iraq is because that was left over business from the gulf war of 11 years ago where Saddam Hussein said—promised—that he would do certain things: That he would, for example, not have weapons of mass destruction or seek to acquire nuclear capability; that he would dismantle his missile program, and so on.

We know through our intelligence that he has failed time and again to comply with those requirements. He has even continued to shoot at our unarmed predator reconnaissance aircraft, as well as the manned aircraft we fly to do surveillance over the areas of Iraq we have been flying over, the so-called no-fly zones, ever since the end of the gulf war.

I note that is a kind of inspection. When people at the United Nations say Iraq is cooperating with the inspections, I wonder how much those pilots think this cooperation is for them when they are being shot at by the Iraqis. Some cooperation.

In any event, that is unfinished business with which we have to deal if international agreements are going to mean anything. The United Nations has resolutions. Saddam Hussein agreed to abide by them. He has not done so. The question is, At what point is the United Nations going to finally decide to enforce those resolutions? That is the point President Bush brought to the attention of the United Nations Security Council. They adopted a resolution that basically gave Saddam Hussein one last chance to show he was in compliance.

In the judgment of virtually everyone who looked at the document filed by Saddam Hussein allegedly demonstrating his compliance, it is a false and fraudulent document and shows that he is in noncompliance rather than the other way around, a result of which, sooner or later, we are going to have to deal with Saddam Hussein. That is where the President found himself prior to the evolution of the North Korean crisis.

In one respect it is timely for us to deal with Iraq because from a military standpoint, there is no question that we can deal with Iraq in a way that can minimize casualties, that does not involve a large threat that he will attack his neighbors. Fortunately, the Israelis have developed a missile defense program in the 11 years since the end of the gulf war and will probably be able to, through the Arrow missile defense system, handle any kind of Scud missile attack on them, and Saddam Hussein has not yet acquired a nuclear weapon, in our belief. As a result, he is not in a position to resist a U.S. effort to bring him into compliance with the U.N. resolution militarily in a way that we fear from a military standpoint.

On the other hand, the crisis in North Korea has now broken out, and we are