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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. K. Randel Everett of the John Leland Center for Theological Studies in Arlington, VA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray.

O Lord, our Lord, how majestic is Thy name in all of the earth. When we consider Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, who are we that You would give thought of us. Yet You have made us a little lower than God and crowned us with glory and majesty.—Psalm 8

Please open our eyes to Your many expressions of beauty in the brilliance of the azaleas, in the warmth of the sunshine and in the gentleness of a friend.

Please open our ears to the sounds of joy in the laughter of little children and in the singing of birds. Speak through us as we seek to encourage someone who is hurting and reach out to someone who is afraid.

Gracious Lord, this day is a gift You have given to us. Don't let us miss out on what You are doing. Let us live in the fullness of Your mercy. In Thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period for morning business until 12 noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. This treaty is a necessary step to include seven new member countries in the NATO alliance.

Under the previous order, the Senate will debate the treaty and dispose of all amendments during today's session. I advise my colleagues that rollcall votes are possible with respect to the two amendments to the resolution of ratification. Once those amendments are disposed of during today's session, the Senate will set aside the treaty, so the Senate will vote on the adoption of the resolution of ratification at 9:30 tomorrow morning.

As a reminder, cloture motions were filed on the nominations of both Priscilla Owen and Miguel Estrada. This will be the second attempt to end the filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. The cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I want to inform all Members that negotiations are ongoing to continue to clear several important pieces of legislation for floor action. These items include the State Department authorization bill, the bioshield bill, air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and a number of pending nominations. Therefore, Members should anticipate additional votes throughout the day.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, I wonder if he has any idea how much time he wants for the debate on the two cloture motions tomorrow or are we just going to vote on them?

Mr. FRIST. Mr. President, I have not talked to our caucus about that, but I

will get back to Senator REID shortly so we can plan out the day tomorrow.

Mr. REID. The other question I have is, we have people ready to offer amendments on the energy bill. Is the majority leader still planning on spending some time on that bill tomorrow?

Mr. FRIST. The plan is to be on the energy bill and continue the debate and start the amendment process tomorrow, Thursday. The plan is to hopefully start that—although I am not sure—in the morning after we finish the vote.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business not to extend beyond the hour of 12 noon, with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had 10 minutes. I ask unanimous consent that my time be extended to 15 minutes in morning business.

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

TAX CUTS

Mr. HOLLINGS. Mr. President, it is fortuitous that the distinguished Presiding Officer is the forerunner of the position: If we are going to cut taxes only \$350 billion, you are going to lose his vote. The debate has ensued from \$756 billion to \$350 billion to try to make for a compromise of \$550 billion in tax cuts. But the most responsible voices say at this particular time: No tax cuts.

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



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The present Chairman of the Federal Reserve, Mr. Alan Greenspan, says: No tax cuts. I ask unanimous consent to print in the RECORD an article from the New York Times, dated May 1, 2003.

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

[From the New York Times, May 1, 2003]

GREENSPAN SAYS TAX CUT WITHOUT SPENDING REDUCTIONS COULD BE DAMAGING
(By David E. Rosenbaum)

WASHINGTON, April 30.—Alan Greenspan, the chairman of the Federal Reserve Board, told Congress today that the economy was poised to grow without further large tax cuts, and that budget deficits resulting from lower taxes without offsetting reductions in spending could be damaging to the economy. Opponents of the large cut favored by President Bush took Mr. Greenspan's testimony as support for their position.

Mr. Greenspan's statements to the House Financial Services Committee were made as new Treasury data showed that tax revenues have arrived at a much slower pace than expected this spring. As a consequence of the revenue shortfall and increased spending enacted this month, government and private analysts said today, the budget deficit this fiscal year will be at least \$80 billion higher than the Congressional Budget Office projected last month.

With a large deficit, Mr. Greenspan said, "you will be significantly undercutting the benefits that would be achieved from the tax cuts."

The combination of Mr. Greenspan's testimony and the prospects of a higher deficit gave added ammunition to Mr. Bush's political opponents, as the president continued today to press Congress to approve a \$550 billion, 10-year tax cut.

"These deficit numbers are just the latest reminder that what many of us have expressed concern about is becoming even more of a problem," said Senator Tom Daschle of South Dakota, the Democratic leader.

The president met today on the tax issue with Republican Congressional leaders. Afterward, Senator Bill Frist of Tennessee, the majority leader, said that the president and all the leaders wanted as large a tax cut as possible and that Congress might consider more than one tax measure this year.

Ari Fleischer, the White House spokesman, played down any disagreement with Mr. Greenspan. Last week, the president announced that he would renominate Mr.

Greenspan to his fifth term as Fed chairman, and Mr. Greenspan, 77, said he would accept.

Mr. Fleischer said today that Mr. Bush's first priority was creating jobs immediately and that the government could reduce the deficit "over time." He agreed with Mr. Greenspan that the best way to lower the deficit was to hold the line on government spending.

Mr. Greenspan said that with the end of the uncertainties associated with the war in Iraq, the economy was in a position for strong growth. But if that does not occur, he said, the Fed was prepared to lower interest rates further.

As is his practice, Mr. Greenspan spoke elliptically in his Congressional testimony and never addressed the tax legislation before Congress specifically.

But he said that even without additional stimulus, "the economy is positioned to expand at a noticeably better pace than it has during the past year."

He also said new academic evidence had strengthened his opinion that budget deficits led directly to higher interest rates.

Mr. Greenspan's view on tax cuts is similar to one he expressed in February, but the environment has changed. Congress is now on the verge of drafting and voting on actual tax legislation, and the Fed chairman's views on economic matters carry more weight in Congress than the opinions of any other economist.

In response to a question about the need for additional economic stimulus, Mr. Greenspan said that with the tax cuts enacted in 2001 and sizable growth in government spending, "we already have a significant amount of stimulus in place."

He added that he was skeptical of the ability of changes in tax and spending policy to "fine tune" the economy in the short term.

Mr. Greenspan said he strongly supported the president's tax policy, particularly the proposal to eliminate taxes on most stock dividends, "provided it is matched by cuts in spending."

Deficits are especially important in the near future, he said, because of the pressure on the economy early in the next decade when the baby boom generation begins to reach retirement age.

The shortfall in tax revenues has been apparent all spring, but the magnitude did not become clear, economic analysts said, until they examined the Treasury's daily reports of tax receipts in the two weeks since the April 15 filing deadline.

William C. Dudley, chief economist at Goldman Sachs, said he was seeing "a pretty sizable shortfall relative to expectation."

Goldman is forecasting a \$425 billion deficit in the current fiscal year, which ends Sept. 30. In February, the White House projected a deficit of \$304 billion. Last month, the Congressional Budget Office, using a different method of calculation, projected a deficit of \$246 billion.

A senior Republican staff member in Congress who has analyzed the Treasury data said that revenues were running about \$40 billion lower than the Congressional Budget Office expected. He said tax refunds were about \$20 billion higher than anticipated and tax payments about \$20 billion lower.

One reason for the shortfall in revenues, economists say, is that the poor performance by the stock market in 2002 resulted in smaller tax payments of capital gains taxes and fewer taxes paid by business executives who exercised stock options.

In addition to the deficit increase resulting from lower revenues, the projections by the White House and the Congressional Budget Office do not count the \$42 billion in additional spending, mostly for the war, that Congress approved this month. Nor do they consider the likelihood that Congress will approve tax cuts and make at least some of them retroactive to Jan. 1 and the probability that the administration will ask Congress for additional spending authority for reconstruction costs in Iraq.

Mr. HOLLINGS, Mr. President, the former Chairman of the Federal Reserve, Paul Volcker, the former Secretary of the Treasury, Bob Rubin, as well as the former Secretary of Commerce, Pete Peterson, call for no new tax cuts. They took this stand in an article in the New York Times on April 9, 2003. The position they take is that budget deficits matter. There is no question that we had a conscience with respect to deficits. The economists at the Federal Reserve have said that every \$100 billion in deficits raises the interest rate a quarter of a percent, and our friends at the Brookings Institution say, no, every \$100 billion in deficits raises the interest rate one-half to 1 percentage point.

The point is, look at what we are doing. I ask unanimous consent to print in the RECORD a chart of the budget realities.

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 (billions)	Actual deficit without trust funds (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

HOLLINGS' BUDGET REALITIES—Continued

Pres. and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
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
2000	1,789.0	258.9	236.2	-22.7	5,628.8	362.0
Bush:						
2001	1,863.9	268.2	127.1	-141.1	5,769.9	359.5
2002	2,011.0	270.7	-157.8	-428.5	6,198.4	332.5
2003	2,137.0	222.6	246.0	468.6	6,667.0	323.0

Note.—Historical Tables, Budget of the US Government: Beginning in 1962, CBO's The Budget and Economic Outlook: Fiscal Years 2004–2013, January 2003.

Mr. HOLLINGS. Mr. President, during that 30-year period under six Presidents, with the cost of World War II, the cost of Korea, the cost of Vietnam, the sum total of deficits over that 30-year period under Republican and Democratic Presidents was only \$358 billion. Last year, without the cost of Iraq, it was \$428 billion. We now are on course for a deficit this year of \$600 billion.

If there is any doubt about it, I ask unanimous consent to print page 4 of the conference report budget resolution.

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

- Fiscal year 2003: \$512,284,000,000.
- Fiscal year 2004: \$558,382,000,000.
- Fiscal year 2005: \$487,527,000,000.
- Fiscal year 2006: \$431,788,000,000.
- Fiscal year 2007: \$400,325,000,000.
- Fiscal year 2008: \$405,415,000,000.
- Fiscal year 2009: \$366,084,000,000.
- Fiscal year 2010: \$359,961,000,000.
- Fiscal year 2011: \$380,680,000,000.
- Fiscal year 2012: \$314,363,000,000.
- Fiscal year 2013: \$301,506,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

- Fiscal year 2003: \$6,747,000,000,000.
- Fiscal year 2004: \$7,384,000,000,000.
- Fiscal year 2005: \$7,978,000,000,000.
- Fiscal year 2006: \$8,534,000,000,000.
- Fiscal year 2007: \$9,064,000,000,000.
- Fiscal year 2008: \$9,602,000,000,000.
- Fiscal year 2009: \$10,102,000,000,000.
- Fiscal year 2010: \$10,601,000,000,000.
- Fiscal year 2011: \$11,125,000,000,000.

- Fiscal year 2012: \$11,588,000,000,000.
- Fiscal year 2013: \$12,040,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

- Fiscal year 2003: \$3,917,000,000,000.
- Fiscal year 2004: \$4,299,000,000,000.
- Fiscal year 2005: \$4,599,000,000,000.
- Fiscal year 2006: \$4,829,000,000,000.
- Fiscal year 2007: \$5,007,000,000,000.
- Fiscal year 2008: \$5,169,000,000,000.
- Fiscal year 2009: \$5,272,000,000,000.
- Fiscal year 2010: \$5,349,000,000,000.
- Fiscal year 2011: \$5,428,000,000,000.
- Fiscal year 2012: \$5,424,000,000,000.
- Fiscal year 2013: \$5,394,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

- Fiscal year 2003: \$531,607,000,000.
- Fiscal year 2004: \$557,821,000,000.
- Fiscal year 2005: \$587,775,000,000.
- Fiscal year 2006: \$619,062,000,000.
- Fiscal year 2007: \$651,148,000,000.
- Fiscal year 2008: \$684,429,000,000.
- Fiscal year 2009: \$719,132,000,000.
- Fiscal year 2010: \$755,754,000,000.
- Fiscal year 2011: \$792,152,000,000.
- Fiscal year 2012: \$829,568,000,000.
- Fiscal year 2013: \$869,690,000,000.

Mr. HOLLINGS. Mr. President, you can see that the debt rises during the 10-year period from 2003 to 2013. Mr. President I want you to particularly listen to this—the debt rises from \$6 trillion to \$12 trillion. I know the distinguished Presiding Officer remembers well how we had the balanced

budget amendment running around here for 15 years.

Remember back in 1994, the Republicans stood on the Capitol steps and said: Government is going to be different; we have a contract; we are not going to run any deficits; we are going to have a balanced budget. This particular budget passed the U.S. House of Representatives without a single Democratic vote, all Republicans.

In the Senate, there was only one Democratic vote, the Senator from Georgia. Otherwise, Vice President CHENEY had to come in and adopt this course of \$6 trillion to \$12 trillion. That is \$600 billion a year in deficits each year for 10 years.

The Chair can see I am trying to gain the attention, for Heaven's sake, of this body to where we can get down to reality so that we do not just willy-nilly go on and not even pay for the war.

I put up an amendment to pay for the war. I could get no support for that. We tell GIs to go into Iraq and we hope they do not get killed, and the reason is we want them to hurry back so we can give them the bill. This generation, this Congress, this Government, aren't going to pay for the war.

Now what happens? Treasury Secretary Snow says: Wait a minute now, you have to stimulate, you have to stimulate. Of course, we had that back when President Reagan started that nonsense of tax cuts. That is what President George Herbert Walker Bush called voodoo, and I will never forget

the chairman of the Finance Committee, Senator Dole. He was against all of this growth and voodoo. He said: There is good news and bad news.

I said: Senator, what is the good news?

He said: The good news is a busload of supply siders have just driven over the cliff.

I said: Well, what is the bad news?

He said: There was one empty chair.

He was talking about Jack Kemp. We were against supply side and voodoo. But two years ago, we had voodoo 2, with President George Walker Bush's tax cut, which the distinguished Presiding Officer helped pass. Now let us see what President Bush's newest tax cuts, voodoo 3, will do.

Secretary Snow said a dividend cut would boost stocks by 10 percent. But, look, stocks are up 14 percent since March 11. Do you believe you are getting rich? Do you see all the jobs busting out all over?

On the contrary, you see Robert Samuelson talking about "Stubborn Stagnation." I ask unanimous consent that article from this morning's Washington Post be printed in the RECORD.

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

STUBBORN STAGNATION

(By Robert J. Samuelson)

The economic news since the war in Iraq suggests that we remain in the grips of what I've called "the new stagnation." It's a baffling twilight zone. We're not in an economic free-fall, indeed, most Americans enjoy almost unprecedented prosperity. But there's also rising insecurity (over jobs, stock prices) and a persisting squeeze on both government social spending and corporate profits. People yearn for clarity and confidence, while the new stagnation provides mainly uncertainty and contradictions.

Consider some contrasts. Since late 2000, annual U.S. economic growth has averaged about 1.5 percent (1996-2000 average: 4 percent). This barely exceeds the rate of population growth. By one government survey, 2.1 million jobs have vanished. The stock market has lost about 40 percent of its value (roughly \$7 trillion) since its peak in early 2000, says Wilshire Associates. But most people are doing all right. There are still 130 million non-farm jobs. And the median price of existing homes—most Americans' biggest financial asset—rose 7.1 percent last year.

Japan pioneered the new stagnation. In the 1990s, its economy foundered; unemployment rose gradually. But most people lived well. Prosperity, if not growth, was widespread. There was no alarm. The Japanese were cocky. Hadn't they overtaken the United States economically? Everyone acknowledged "bubbles" in stocks and real estate. But once the aftershocks passed, the economy would revive smartly. It never did. Since 1992 Japan's growth has averaged 1 percent (1980s average: 3.8 percent).

We're not Japan—but we could slip into the same trap. After the euphoria of the '90s, Americans believe that their economy can't be held down for long. The standard diagnosis now is that it's suffered from temporary setbacks: the stock bubble, Sept. 11, corporate scandals and, most recently, the war in Iraq. These will fade; the economy will rebound. Perhaps. Since the war, oil prices have declined and consumer confidence has risen. But the standard diagnosis minimizes deeper weaknesses.

First, the boom's aftermath. It wasn't just stocks. As consumers celebrated new stock wealth, they borrowed heavily and went on a spending spree. The personal savings rate dropped sharply. Now the market's decline suggests sluggish spending as households rebuild savings. Similarly, businesses went on an investment binge in the 1990s. They overinvested in computers, fiber optics, office buildings and machinery. There's huge surplus capacity. Consumer spending and business investment represent about 80 percent of the economy; if they're weak, growth can't be strong.

Second, Europe and Japan. Their stagnation deepens global stagnation. Germany, Europe's largest economy, is a mess. Its banks are weak; unemployment is almost 9 percent. Together, Europe and Japan account for about 30 percent of the global economy and a similar share of U.S. exports. If vibrant, they would cushion the U.S. slowdown. They would import more from the United States and elsewhere.

Third, twisted trade. Global trade is usually a force for good. Countries specialize and spend abroad (via imports) what they earn abroad (via exports). Unfortunately, most Asian countries—led by Japan—strive for permanent trade surpluses. This depresses the global economy by breaking the chain of spending. In 2002 Asia had a current account surplus of roughly \$230 billion, reports the International Monetary Fund. Much of this was with the United States. Jobs and production flow from here to there. China looms increasingly large in this process.

These fierce demons are devouring economic growth—and efforts to revive it. Recall: Since early 2001 the Federal Reserve has cut overnight interest rates from 6.5 percent to 1.25 percent. Meanwhile, the Bush tax cuts and weak economy have shifted the federal budget toward "stimulus." A surplus of \$236 billion in 2000 became a \$157 billion deficit in 2002 (and is headed higher). Tax cuts enhanced purchasing power. Low interest rates enabled millions of homeowners to refinance mortgages. Auto companies provided cheap credit for buyers. Still, the economy sputters. In the past six months, consumer spending has grown at less than half the rate of the previous year. The housing boom may have stalled.

Stubborn stagnation has led some economists—notably Stephen Roach of Morgan Stanley—to fear deflation, which is a general decline in prices. A few years ago, this seemed preposterous. No more. Global demand remains weak; surplus capacity discourages new investment; gluts depress prices. Deflation could be dangerous: Lower prices could squeeze profits and depress stocks; and lower prices could prevent corporate debtors from repaying loans, leading to defaults and bank failures.

Whenever the economy unexpectedly weakens, we're told it's a "pause." Maybe. But the present bust may be as misunderstood as was the previous boom. It is worldwide, not just American. It defies textbook economic models and therefore may defy textbook remedies. In Japan, low interest rates and big budget deficits haven't restored growth. European and Japanese weaknesses fundamentally reflect social and political preferences. The desire for social protections has stifled economic growth with regulations and taxes. As for America, recovery requires patience. Surplus capacity must be shut or absorbed; debt levels must be cut.

What can be done? Good question. Unfamiliar problems may require unfamiliar responses. If things get dramatically worse, that may concentrate people's attention. But for now, Republicans and Democrats are using the petty debate over the proposed div-

idend tax exclusion to avoid harder questions. In Japan, those questions rarely got raised, because the economy's slow-motion unraveling never presented a clear crisis. The danger of the "new stagnation" is that, by creating a false sense that a strong recovery is always imminent, it could cause the same thing to happen here.

Mr. HOLLINGS. We all know it is not going to stimulate anything in that we already have a \$428 billion budget deficit this year that is stimulus, plus \$600 billion next year. We have over \$1 trillion in stimulation. That is why Alan Greenspan says we do not need any further stimulation, and adding \$30 billion or \$40 billion more is not going to do it. But let's assume that it does. It is not going to stimulate Peoria. It is going to stimulate Shanghai.

What has happened is, and Mr. Samuelson talks about this, is that we have made it too expensive to do business with our high standard of living. Before one can open, for example, Jones Manufacturing in the United States, you have to meet requirements for clean air, clean water, Social Security, Medicare, Medicaid, plant closing, parental leave, safe working place, safe machinery, just go right on down the list.

You can go down to Mexico for \$1 an hour, \$2 an hour, or you can go to China for 50 cents an hour. So they are going like gang busters there. We have a tremendous imbalance of trade—a \$500 billion imbalance. We are going out of business. We have to get with reality. We cannot treat foreign trade as foreign aid any longer. We have to get a competitive trade policy. We have to cut out the tax benefits companies have when they go overseas, and instead include tax benefits for manufacturing in this country.

We have to straighten out many other items dealing with trade. There is no question that we have to say to the Export-Import Bank and the Overseas Private Investment Corporation that they shall not finance any product that does not have at least 80 percent U.S. content; that we ought to prohibit the sale in interstate commerce of any manufactured product by an individual 12 years of age or younger. We have to require the Buy America provision not just in defense but in homeland security. We have to get what Senator Dole tried to do 10 years ago with the World Trade Organization judicial body to review the WTO determinations. There are a lot of things we have proposed.

I ask unanimous consent that this article of mine from the State newspaper in Columbia last week be printed in the RECORD.

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

[From the State, May 3, 2003]

WASHINGTON'S WILD WAYS CHOKE RECOVERY

(By Ernest F. Hollings)

President Bush storms the country, lamenting that "people are looking for jobs and can't find them." Two big reasons: First, industry is not about to invest or re-hire with Washington spending like drunken sailors. Second, any expansion of jobs will probably be in China, Mexico or India.

Business people look at how government does business. For 30 years, from 1945 to 1975, the sum total of government deficits, including the costs of World War II, Korea and Vietnam, amounted to \$358 billion. Last year's fiscal deficit—without the cost of Iraq—amounted to \$428 billion.

Instead of levying taxes to pay for Iraq, the president says: "In time of war, a country runs deficits." False. The United States raised taxes to pay for every war since the Revolution—until now. President Lincoln put a tax on estates and dividends to pay for the Civil War. This president says to eliminate the tax on estates and dividends; the economy needs stimulating.

We just had a \$428 billion deficit, or stimulus, last year; and this year's deficit (stimulus?) will exceed \$500 billion. A tax cut of \$50 billion more is not going to stimulate. What's more, the business executive sees on Page 4 of the Republican Conference budget just passed that the national debt in the next 10 years goes from \$6 trillion to \$12 trillion.

Interest costs are headed through the roof. Economists at the Federal Reserve have just estimated that each \$100 billion of deficit raises interest costs a quarter of one percentage point. The Brookings Institute says interest costs rise between one-half and one percentage point for every \$100 billion of deficits.

Interest rates will soar, and this is no time to invest or re-hire. We have just lost 2.6 million jobs with the 2001 tax cut stimulus, and there is no education in the second kick of a mule.

Let's assume the Bush tax cut stimulates. Jobs created will not be in Columbia, but in Shanghai. Corporate America's is moving fast to cut labor and environmental costs. Before opening Jones Manufacturing, U.S. law requires clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, a safe workplace, safe machinery, plant closing notice, parental leave, etc. A plant can locate in Mexico for \$2 an hour labor and none of these requirements—or to China for less than 50 cents an hour.

Corporate America has banded together a conspiracy for "free trade" to facilitate imports and export jobs faster than we can create them. Led by the U.S. Chamber of Commerce, the conspiracy includes the Business Roundtable, National Association of Manufacturers, Conference Board, think tanks, funded universities, the retailers making bigger profits on the imported articles and newspapers making most of their profits from retail advertising, all for "free trade."

As a result, we have lost most of our hard manufacturing. And now we have a \$5 billion deficit in the balance of trade in semiconductors and the worst trade deficit in farm products in 16 years, including such products as cotton, with China.

Free trade is an oxymoron. We must stop treating trade as aid and compete in the global economy. We must first eliminate the tax benefits for offshore production. Second, prevent the Export Import Bank or Overseas Private Investment Corporation from financing any product that does not contain at least 80 percent U.S. content. Third, prohibit the sale in interstate commerce of any manufactured product by anyone under 12 years of age. Fourth, require the Buy America provisions for both the Defense Department and Homeland Security. Fifth, eliminate the International Trade Commission, which never finds "injury" from a dumping violation. Sixth, return anti-dumping money to injured parties. Seventh, reform the World Trade Organization dispute settlements by establishing a panel of federal judges to review WTO determinations.

In 1993 with a similar fiscal deficit and gross domestic product, we cut spending and

raised taxes, putting the government on a pay-as-you-go basis. This resulted in the strongest economy in the history of the United States. Eight million jobs were created. Today, we must put government again on a pay-as-you-go basis, reform trade and create jobs.

In addition to rebuilding Bosnia, Afghanistan and Iraq, now is the time to rebuild America.

Mr. HOLLINGS. Now is the time to sober up and approach it the way we did in 1993. When Governor Clinton was first elected, he invited the best of the best in financial minds to Little Rock. Greenspan went. The Governor was advised: you are going to not only have to cut spending when you take office, you are going to have to raise taxes. And we did.

The chairman of the Finance Committee, Bob Packwood, said: I will give you my home if this works. Newt Gingrich said: This is going to put us into a depression.

John Kasich, the chairman of the House Budget Committee, said: I will change parties and become a Democrat if this thing works. Oh, it was going to be disastrous.

The disaster turned out to be 8 years of the strongest economy. We paid the bills, putting Government on a pay-as-you-go basis. We created 22 million jobs. Now with President Bush's voodoo 2 that we passed in 2001, we are just more in debt. And the Democratic proposal just announced is nothing but Bush lite. You can either have the Bush proposed program of \$756 billion in tax cuts, or \$550 billion in tax cuts from the House, or Bush lite of \$150 billion. None of them are going to stimulate anything.

Since the President has taken office, the country has lost 2.6 million jobs already. Don't you think we ought to stop now and get a hold of ourselves and realize what we have with all of these deficits; that interest rates are bound to go up, as well as the cost of a car, home payments, the cost of a washing machine, the cost of a refrigerator, and everything else? America is seeing this because back home every mayor is having to cut back, every Governor is having to cut back. They are having to release prisoners from the penitentiary. They are having to charge children to ride on the schoolbus. They are doing any and everything to try to get fiscal discipline back into their particular budgets.

But up here, we're like drunken sailors, saying oh, no, do not worry about it. We have to get reelected next year. To dickens with the needs of the country. It is the needs of the campaign, and we have to have tax cuts. So there we go. We have a big argument around here whether it should be \$750 billion or \$550 billion or \$150 billion in tax cuts. And the best of minds say: Wait a minute, we are in trouble.

As Mr. Samuelson says, we have financial stagnation. We have the threat right this minute of deflation, and we are not creating jobs at all. We have a deficit in the balance of trade in not

only hard manufacturing, but in high tech, high tech the motor of growth.

Again, with respect to the service economy, the Wall Street Journal this last week, said:

U.S. financial-services companies plan to transfer 500,000, or 8 percent, of total industry employment to foreign countries.

I ask unanimous consent that this article from the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, May 1, 2003]

THE ECONOMY: MORE FINANCIAL JOBS GO OFFSHORE

(By Michael Schroeder)

In an accelerating trend, U.S. financial-services companies plan to transfer 500,000 jobs, or 8% of total industry employment, to foreign countries during the next five years, according to a new study.

Offshore job transfers have primarily focused on back-office functions such as data entry, transaction processing and call centers. But the job shift now is involving a wider range of professional lines of work, including financial analysis, regulatory reporting, accounting and graphic design, according to A.T. Kearney, a management consulting subsidiary of Electronic Data Systems Corp.

The main reason remains the same: cost cutting. The study estimates an annual cost savings of \$30 billion for the financial-services industry. A call-center employee earns about \$20,000 in the U.S. and about \$2,500 in India. A Wall Street researcher with a college business degree and a few years experience can earn as much as \$250,000, compared with \$20,000 in India.

The study was based on interviews in February and March with senior executives from 100 of the largest U.S. banks, brokerage firms, insurance companies and mutual funds. Corporate chiefs list India as the most attractive country overall for offshore business processing, followed by China, the Philippines, Canada, the Czech Republic, Mexico, Australia, Brazil, Ireland, Hungary and Russia.

China particularly should see significant growth, despite U.S. companies' experience with the Chinese violating intellectual-property laws. A.T. Kearney Managing Director Andrea Bierce said that problem is being addressed by a major U.S. insurer that is developing a new policy protecting intellectual property.

Among the most aggressive U.S. companies are General Electric Co.'s GE Capital Corp. unit, Citigroup Inc. and American Express Co. GE Capital has nearly 15,000 employees in India alone and plans to add 5,000 by year end, said Stefan Spohr, one of the study's authors. A.T. Kearney itself moved 50 jobs in creative-presentation service to India.

Mr. HOLLINGS. We are going out of business, and the discussion here is between \$350 billion and \$550 billion in tax cuts, and all they want to know is who can do the most? I can go home next year and run for reelection and say: Look what I have done. I have given you a tax cut—when we do not have any taxes to cut. We are running a \$600 billion deficit in the Republican budget, when the Republicans are supposed to be financially responsible.

We never heard of \$600 billion deficits. You folks came to town and said, Look, we not only want a \$600 billion

deficit, we want it each year, every year, for the next 10 years. It is the budget on page 4. People don't see that.

I can see the Presiding Officer is going to call my time. He has been very courteous. I will be glad to yield him time when he can take the floor and answer these things because I have not been able to find a good answer.

I am trying to sober them up. Let's put the Government on a pay-as-you-go basis. Let's start getting competitive in industry and manufacturing and create real jobs. Let's start rebuilding—not Bosnia, not Afghanistan, not Iraq—but rebuilding the United States of America. That is the need of the hour.

I yield the floor and 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. CRAIG. 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. CRAIG. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. Yes, that is correct, until 12 noon.

Mr. CRAIG. I thank the Chair.

ENERGY POLICY

Mr. CRAIG. Mr. President, I am here this morning to speak to the bill that is now before us, S. 14, brought to the floor yesterday by Senator PETE DOMENICI, the chairman of the Energy and Natural Resources Committee of our Senate. It is a work product that a good many of us have been involved in for well over 3 years, in looking at the issue prior to the Bush administration coming to town and certainly with the initiative of the Bush administration to recognize the need for a national energy policy and to produce for us an outline of their vision of a national policy and asking the Congress to work its will over the last good number of years to produce that policy.

Of course, that came in the backdrop of brownouts and blackouts in California, of a jigsaw or certainly unprecedented ties or ups and downs in the gas markets of our country and a real recognition that over the last good number of decades the Congress of the United States and our Government had not minded the energy store of our country very well.

We were resting on the laurels of a relatively substantial surplus in electrical energy—the ability to produce hydrocarbons here at home; be less dependent upon foreign oil; and, to watch all of that change with the growth of our economy and some of the other government regulations that denied or limited the ability to produce energy for our country.

We know during the decade of the 1990s we went into a mode of deregulating the electrical industry all in the name of spreading that surplus out

around the countryside but all based on the premise that you could lower the cost to the consumer because, in fact, there was a surplus.

Of course, during the decade of the 1990s we saw that surplus rapidly disappear with the phenomenal growth we went through with the country and the fact we were not adding to the energy base of our country. I believe while consumers in the short term experienced some relief—and ratepayers in the end—we saw price spikes, instability, brownouts, and a greater concern about a constant, stable flow of energy—the high-quality kind that is critical to fuel an industry and making sure that it was available upon call and when necessary, something that in the late 1990s and certainly at the turn of the decade was all in question.

That is one of the reasons we are here on the floor debating energy, and will be for the next several weeks in our effort to pass a comprehensive energy policy that will promote the kind of production that will advance conservation, and that will certainly promote the protection of the environment and the production of clean energy. In all of that context, what is most significant is, in fact, the production area. We now know with our capabilities and our technologies that we can produce it cleanly in a nonpolluting way, or certainly in a less impacting way to enhance the availability of supply.

One of the areas I have spent a good deal of time on over the last number of years is the issue of nuclear energy. Certainly during the decades of the 1970s and the 1980s and into the 1990s there was a concerted effort on the part of a variety of interests to argue that somehow nuclear energy was not a safe form of energy; that it was one that we ought to take out of our energy portfolio. What they failed to recognize was that about 20 percent of our generating capacity is based on nuclear energy. It really was a scare tactic to panic an uninformed public, on the safety and the stability of nuclear energy, into a sense of urgency as related to eliminating nuclear energy. During that period of time as knowledge began to grow, another fact began to emerge out of all of these issues. That was that nuclear energy was rapidly becoming a least cost part of our total energy package—that the cost of production was stable, that the reactors had operated very effectively, and that in retrofitting them, modernizing them, relicensing them, we were extending their life and getting greater efficiency.

In the last spike in our electrical costs, the nuclear energy industry—the electrical side of it—became the least cost producer of electrical energy.

At the same time, we have not brought any new reactors on line. The public and/or the interest groups have driven the costs by their concern over the siting of them and the building of them. And the constant demand of retrofitting them and building into them

comprehensive and redundant systems has driven the costs and the ability to build one beyond the reach of the consumer and the ratepayer, and, of course, therefore, the utilities.

Understanding that we continue to push forward not only to develop a waste repository system to take the high-level waste out of the interim storage facilities at these reactors, as we have promised the public we would do, and move them to a permanent repository that is now sited and in the process of being licensed in Yucca Mountain in the deserts of Nevada, but we also have opened up another geological repository at Carlsbad, NM, known as a waste isolation pilot plant that handles transuranic waste—what I call “garbage waste”, such as the tools and smocks of nuclear workers. The WIPP facility takes waste from our defense facilities, but the point is this facility has been operating for a number of years and we have demonstrated that we can deal with this type of waste safely.

This government has worked hard to keep good on its promise while there are many who would deter it and try to deny those promises to the consuming public, arguing that somehow we couldn't handle waste; therefore, we shouldn't have new reactors, and, certainly, therefore, we shouldn't build them if we couldn't manage the waste stream.

While all of that was going on, another issue began to emerge in the context of global concern. It was the issue of climate change. I will be speaking to that in a few moments. But the issue of climate change began to be argued by many as a product of greenhouse gas emissions, and in part certainly produced by the emission of greenhouse gases from the production of energy, and mostly electrical energy. While that grew, it allowed many of us to argue that the ability to produce electricity through a nuclear reactor was nonemitting, or an emission-free system. That has clearly become recognized. I think many of our experts now in the field of energy worldwide, as we see the need for energy constantly growing, will admit that over the course of the decades to come 20 percent of the electrical production, which is nuclear in this country, probably has to grow into 30 or maybe 40 percent of the total package to work to keep our air clean.

In France, I believe now nearly 80 percent of their electrical capacity is nuclear. Many other countries are following that route. They are managing their waste effectively and responsibly. It is also true in Japan. Here is a nation that not very long ago was most antinuclear for obvious reasons. But they came to recognize also that the ability to produce electricity for a growing economy in their country could be produced safely by nuclear energy.

All of that realization and all of that work in part came together with the

coming to town of President George W. Bush, Vice President DICK CHENEY, and the selection of Spencer Abraham as our Secretary of Energy—all recognizing that in the course of this we were going to have to get a new reactor design and new concepts that would allow us to advance the cause of electrical generation through the nuclear industry.

As a result of that growing interest and as a result of all of the changes that occurred in the world over the last several decades, and the clear understanding that the energy we produce for today's market and future markets needs to be clean, there is a much better understanding of the role that can be played by the nuclear industry if certain kinds of things are allowed to happen. I believe those certain kinds of things are new reactor designs—what we call new passive designs, those systems that are designed to shut themselves down automatically if problems occur instead of to be activated manually by human operators. We believe—and the industry certainly believes—that all of that is highly possible today. There are models out there that demonstrate that capability.

There are many in the scientific and engineering community who recognize the validity of being able to do that. It is with that, and the concept of new generations of reactor systems, that we began to look at the potential of this country's building that kind of prototype—a generation IV, passive reactor system that is clean, that burns its fuel more efficiently, that is extremely robust in its capabilities as it relates to safety and shutdown and, of course, in the end, because of its efficiencies and fuel utilization, leaves less waste compared to the old reactors.

Let me depart for a moment and tell you a story that I think most Americans do not know about today. It occurred in my State of Idaho, at a site now called the Idaho National Engineering and Environmental Laboratory. At the beginning of Admiral Hyman Rickover's desire to create a nuclear Navy a good number of years ago, activities began to be undertaken in the deserts of Idaho. Those activities related to the development of the prototype reactors to be put into the Nautilus submarine—a reactor that was small but efficient and powerful and safe for operation and safe to live by, to live right beside.

Of course, we have seen the phenomenal growth of that capability over the last good number of decades. We have become so good at building and engineering the reactors for our nuclear Navy today that a reactor that once had to be fueled every few years now need not be fueled for the design life of the hull of the vessel itself. That is almost a hard concept to imagine: that for a new nuclear Navy vessel today, when launched, and when its reactor is activated, that reactor will operate for the life of the vessel—but that is what is going on today.

That engineering, that capability, that efficiency was developed in the laboratories in Idaho. Of course, it is one of the great stories of energy efficiency, of safety, and of the effective management of the atom itself. It is that kind of technology that should be, and we hope can be, applied to the commercial side of the atom today, that we can, in fact, build smaller, modular, flexible, passive reactors that, when fueled, continue to operate long term for the production of electricity; and, of course, in doing that, to be immune from the price spikes in the marketplace that are based on the supply of fuel itself, because when that reactor is fueled and activated, it then continues to operate, at a flat cost, nearly for the lifetime of that fueling, which could go on for a good number of years. That is a uniqueness that we think we are now capable of producing in new reactor designs and new reactor concepts.

As all of this was developing, and this new interest was growing—and certainly brought to the forefront by the Bush administration, as they came to town and began to openly talk about the development of passive reactor concepts versus an administration that had just left town that worked actively trying to stop, to turn off, or to shut down the nuclear industry—other dynamics began to occur.

This is another unique dynamic that now fits into the whole concept of building a new nuclear reactor today: It is hydrogen, hydrogen fuel cells, and the ability to build clean hydrogen fuel cells that generate electricity to operate our automobiles.

I have driven a hydrogen fuel cell automobile, as many of my colleagues have, and they drive most effectively, except the prototype that I was driving up in Dearborn, MI, costs about \$6 million. Well, we know that is out of the reach of the average citizen. However, we also understand that if this technology is applied to the transportation market as a whole, that there could come a day when my children and my grandchildren will view it normal to go to the local car dealer and buy a hydrogen fuel cell electric automobile at a competitive price in the market. That electric automobile will drive very efficiently, long term, at low cost, and have zero emission.

This administration, once again, in pushing the envelope of energy and energy technology, has argued that this ought to be the transportation fuel of the future, and we ought to begin to invest, increasingly so, in this concept.

In S. 14, these concepts come full circle, and we begin to authorize the investment substantially in the development of the hydrogen fuel cell—now, not just for the automobile, but the idea that there could come a day when you could develop small, modular fuel cells for the individual home, and they could run safely and easily and emission free for long periods of time to generate electricity for a home site or a small business or a rural dwelling is

very feasible with the development of that technology.

Here rests the problem: Most have said we will gain this hydrogen through natural gas, that natural gas can become the producer of hydrogen. The problem is, you are using one energy source to produce another energy source. The efficiency of doing that makes it, in fact, a very poor use of natural gas.

We have also seen the unwillingness of this Congress or some interest groups to allow the exploration for natural gas and the expanded capability of that production.

I spoke yesterday on the floor about the pumping back into the ground of billions of cubic feet of natural gas in Alaska. Why? Because there is no way of getting it to the lower 48 States without the development of a pipeline, a pipeline that is proposed and embodied in S. 14, for the necessary purpose of supplying natural gas to the lower 48 states.

But the reality of the use of natural gas is that it ought not be used to produce hydrogen, and it ought not be used to fire gas turbines to generate electricity. Efficiency-wise, that is a poor use of natural gas. Natural gas ought to be used for the purposes of space heating. That is where it is the most efficient, and in an industry where it can be used for certain processing purposes. That is where natural gas finds its highest efficiencies.

If we want to develop a hydrogen transportation fuel industry—and natural gas is not necessarily the best source of hydrogen—how do we get it? How do we push that envelope to supply an abundant source of hydrogen to a marketplace that may well grow to fuel the fuel cells that will generate the electricity that will propel the modern car 20 or 30 years or 40 years from now? You can do it through using electricity to split water into oxygen and hydrogen—a process known as electrolysis. You can do it through the use of electricity in a much more efficient way than you can with the use of natural gas.

What do you use in electrolysis? You use water. So not only do you have an abundant resource that can be converted, but it can be converted in a very clean way into a gas that, when utilized, produces no emissions into the atmosphere.

Is this a dream? No, not at all. It is a reality, and we know that. It is a reality within the engineering capabilities of this country and the industries embodied in the energy field. We know that is a capability.

How do I jump from nuclear to hydrogen? I want to bring both of those together this morning because what we believe is that a generation IV passive reactor of the kind we are proposing be built as an experimental prototype by our Government, and one that is proposed and authorized in this S. 14 comprehensive energy policy for our country, also has built in it a system to

produce hydrogen. The idea is that we can, in fact, get two for one, and we can design safe nuclear reactors today, or passive nuclear reactors today, that are capable of having within them a system that splits water to produce hydrogen for the future transportation market of our country. This concept is something that is so exciting to me and ought to be exciting for our country.

To think that we have the capability of moving ourselves that much further forward is an opportunity. I liken this uniqueness, this application of science and engineering and technology, to something almost as important as the space program was decades ago. It is what Government ought to be doing, ought to be using its resources for—to push the envelope of technology forward and to allow the kinds of developments in technology that the private sector can then take and effectively use—because the private sector cannot afford to invest the hundreds of millions of dollars that it ultimately will require to develop this kind of technology. This long term technology development does not have the immediate payback return on it and so if we leave it all to industry it simply will not happen for a long period of time.

Embodied in S. 14 are the provisions that would authorize exactly what I am talking about today, a new reactor design for our country, a design that has within it the capability of the production of hydrogen through electrolysis, and to me that is a tremendously exciting concept. That is why I believe S. 14 is important legislation. A press person stopped me the other day and asked: How is President Bush doing on his domestic agenda? One of this President's No. 1 items, or top two or three, in his domestic agenda is a national energy policy. A lot has taken that issue off the headlines the last number of years—from the issue of 9/11 to terrorism to the war in Iraq. But underlying all of that and always important for the productivity of an economy, for the future of a Nation, is an abundant energy supply.

Through all of that, we have found just how fragile our energy supplies are. We are now nearly 60 percent dependent for our oil supply on foreign countries. We have in our infrastructure of electrical production aging facilities and transmission that is not effectively being replaced to sustain the quality of electricity we have.

As soon as this country begins to get back into the 3, 4, 5 percent growth rates we hope to see in the near future, we will find once again a lack of supply because we are not producing it or, if we are trying to produce it, we are trying to use gas through electrical turbines. The pricing of that is yet to be determined because of our inability to produce a more abundant supply of natural gas.

All of those issues fit together, and the American public, I hope, will be allowed to focus on that with us as we

debate these issues embodied within S. 14.

S. 14 is a bill that was written the right way. It was written by the authorizing committee on Energy and Natural Resources, a combination of ideas that have worked their way through the process, that came to that committee to be crafted into legislation in a bipartisan way. Amendments were offered. Some were voted up; some were voted down. Most importantly, the process the American people respect and ask for was allowed to effectively work.

The energy bill we had on the floor a year and a half ago was not written by committee, but by a couple of individuals in the majority leader's office. The bill we have on the floor today was in fact crafted by the responsible committee of the Senate. I hope we can debate it thoroughly, amend it, if necessary, and ultimately get it into a conference with the legislation the House has passed so we can put it on our President's desk for his signature as a national energy policy for the country.

I have talked about a few provisions of the policy I believe are tremendously important. Let me speak to one other I believe is important as we work our way toward the development of a comprehensive policy.

Many of us have been through what is known as the Kyoto debate, a debate on climate change, an argument that the production of greenhouse gases is in fact creating a greenhouse effect that has created global warming. There are some who believe that emphatically. Others say the science simply does not bear that out today, that while our world may be getting warmer, it is not necessarily believed it is the greenhouse gases or the emission of those that is causing it. The obvious reason for that argument is clear. Historically, over the millions and millions of years of our timetable for the world, we have seen this globe get cold, get warm, and go through a variety of changes. There will be some who argue the changes we are experiencing today are in fact a product of that magnitude of geological change. I am one who has argued on the side of science.

Others found this to be a rather nifty political idea and have generated the politics of it, arguing that, my goodness, the world was going to come to an end and the ice cap on the Antarctic was going to melt and shorelines were going to move inland hundreds of feet, if all of this ice melted in the world today, and that could all be stopped if we would simply stop emitting the greenhouse gases produced by the burning of fossil fuels.

If we were to do that, because that is what would be required, if we knew in fact our globe was warming and we knew it was warming because of the emission of greenhouse gases, that is something this country would rush to do. However, it would also rush to convince the rest of the world to do it with

them and in a way that would find alternative sources of energy. We would want to do that based on the very best science available, to use the modeling that could be produced by the supercomputers to bring about those kinds of judgments. We really would be talking about turning the light switches of our country off, unless we were willing to shift dramatically to new sources of energy in a relatively short time.

I am one who believes the science is not yet there to argue those kinds of changes. In fact, the Clean Air Act has produced a much cleaner environment, and we have on board current policies today that are continually reducing the amount of greenhouse gas produced per capita individual in our country as compared with other countries. We are contributing in a major way today to the improvement of the world environment. But we are a big country. We are big in the sense of the use of energy. We are the largest country in the world when it comes to the use of energy, and it is because of our wealth and because of the size of our economy. So when you examine the amount of greenhouse gas produced per capita individual, we still remain high, at the top of the list.

There are other countries today who have demonstrated little concern about the emission of greenhouse gas in their building of an economy. China, India, other countries, Third World emerging nations working hard to produce an economy to put their people to work. They have paid little regard to the environment. In fact, in the debate at the Kyoto climate change conference, the interests driving the conference said: We can just exclude developing countries because they can't comply. They are not advanced enough, and we couldn't get them to comply, anyway. Yet they have become major producers of greenhouse gases.

If you believe that in fact emissions of greenhouse gases are creating the kind of climate change some would argue is going on, then certainly the developing countries ought to be included. Why should we shut ourselves down and allow other countries to increasingly become polluters, allow them to be extremely competitive in the economic marketplace, when we have denied ourselves that kind of competitiveness because we have driven our cost of production up dramatically by new energy sources?

That is all part of a fairly general summary of the debate that has gone on here in the Senate and across the country and the world for the last number of years. I have attended a conference of the parties at The Hague related to climate change. That was the attitude of the rest of the world, that the United States economy was the bad actor producing all of the greenhouse gases, and we should just shut the United States' economy down or we should demand that the United States change its ways dramatically.

What they were not saying was: We also will consider making a similar

change in our country, as long as our cost of production remains relatively low.

The reason they will not say this is that they want their competitiveness in the world economy to rapidly increase compared to that of the United States. That became part of all of that debate. I, along with Senator BYRD and Senator HAGEL, some years ago developed a resolution that got 95 votes in the Senate suggesting that this country ought not go it alone when it came to climate change, and it certainly ought not proceed without good science; and we ought to build the systems that produce the science that allow those of us who shape public policy to make decisions based on the best science—I am talking lab science, not political science.

The climate change debate has been a good deal about the politics of the environment rather than the reality of the change itself, or what is producing the change and the science involved. This administration has said: Let's err on the side of science. Let's make sure we have an ambitious effort to get where we need to get, relating to climate change. We are not going to ignore it. We are going to be sensitive to it, but we are going to make sure that what we do is done right.

It just so happens that the nuclear initiative I have just talked about fits nicely into that equation of beginning to produce more and more of our electrical power from a nonemitting fuel source. The hydrogen fuel cell vehicle concept that I am talking about is, again, another clean technology. So while we are pushing the envelope of technology, we clearly ought to be building the scientific base to be able to make the decision as to how much further our economy and our country ought to go towards zero emissions into the environment in the name of climate change.

Those are awfully important issues, and they are some this country cannot deny or sidestep. But until we have the best science available, until we are using our own modeling, based on our own supercomputers, and we are not using the modeling with the Canadian bias, or a German bias, the kind of modeling that is producing the science that we are looking at today because we don't have our own, then shame on us for not developing it, for not using our own science and our own scientists to make sure that the science from which we base our decision is the right science. As I have said, the consequence is to produce an economy in which the American worker is no longer competitive or productive as it relates to other workers around the world. If that becomes the case, we slowly put our economy and our country at a tremendous disadvantage.

The great advantage we have always had as a country is the availability of an abundant energy supply. It is from that energy supply, which in most instances costs less than a comparable

form anywhere else in the world, that we have built the greatest economy the world has ever seen, that we have put more people to work, that we have generated more wealth, and we have created a standard of living that all of us are proud of, and that we have provided for ourselves and our citizens truly the American dream.

Was it all based on energy? It all was based on the availability of energy as a major component of that industrial base, that economic base. It was certainly also based on the free market system and the competitive character of that and the innovation that occurred through that. But along the way, Government effectively used itself and the resources of the American taxpayer to push the technology, lift the horizons of experimentation that, in a way, ultimately brought that to the ground for use by the consuming public and to be generated in the private sector.

That is what S. 14, in large part, is about. It is about the grand, new designs of new concepts that deal with large production. It is about the grand, new utilization of wind turbines and photovoltaics, and certainly the type of energy that is extremely clean and can provide a portion of energy to our energy basket. It is about making our current forms of energy even cleaner by advancing the technologies available, to give the tax incentives to effectively use the regulatory device to do so, and also not to deny ourselves the continued production of energy from our public lands and resources, and to do so in clean, environmentally sound ways that we now have the technology to utilize, because we pioneered it.

The world uses our technology today to produce clean energy. We are denying ourselves the use of our own talent. This very comprehensive energy bill will advance our cause as a country in the world, and in the area of energy technology dramatically. That which we produce for ourselves is also available to the rest of the world. It is not nor should it ever be ignored that even in China today, as it works to build new energy technologies, it is using the technology that we developed to produce energy for itself. Now we are wanting to push that envelope of technology even further, in a more aggressive approach that is environmentally benign and clean and productive for our general economy.

So a good deal of work has gone into the legislation. Now we will work our will on the floor of the Senate with different amendments that compete with some of the concepts I have talked about and, in some instances, would like to deny them altogether. We will vote it, I hope, up or down within the next few weeks. I believe it will pass and we will move it to a conference with the House and then ultimately to the President's desk. All of that happens when the President signs this into law and public policy.

I think the Senate and the Congress of the 108th can be proud of the work it has done on this energy bill. We can look forward into the future for generations of Americans and say we have redesigned the foundation, reshaped the context of a national energy strategy for our country. As this policy is implemented, it will allow that continuation of an abundant supply of a variety of forms of energy that in the past, today, and in the future will feed an ever-growing economy that continues to grant the average American citizen access to the American dream. That is what we are about. That is what good public policy ought to be about.

I believe S. 14 embodies a great deal of that.

I yield the floor and 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROTOCOL FOR NATO

Mr. CRAIG. Mr. President, we are still in morning business. I note that no other colleagues are yet on the floor. I will speak again in morning business, but only briefly this time, as it relates to the issue before us and the protocol for the North Atlantic Treaty Organization and the ascendancy to that organization of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

As we began to expand NATO a good number of years ago, I had voted against some of the early expansions because I did not think we had yet effectively designed our role in a post-cold-war era and a post-Soviet Union era and about the North Atlantic Treaty Organization as it relates to what it would be doing in the future. As we have seen that role adjust and change over the last several years, certainly the activity in the Balkans and the ability of NATO to participate there in bringing stability to that region has played an increasing role.

I have also been concerned that as NATO grew, we effectively changed our posture there and, in fact, even reduced some of our presence there.

I had the opportunity during the Easter break to travel to Romania. Romania, in a few years, will be eligible for and will make application for entry into the North Atlantic Treaty Organization. With the growth and development of the European Union and, of course, NATO itself, it is important, I believe, that we continue to expand its role and reshape its presence on the European Continent.

We will have before us Executive Calendar No. 6, Treaty Document 108-04, bringing these countries in to NATO

which is an important expression on the part of this country of support of these countries. They are struggling mightily as they emerge from behind the Iron Curtain, as new democracies of Central and Eastern Europe shaping their own economies, to put their people to work, to assume their role in the European Community.

Many of these emerging countries, new democracies, were also very supportive of the coalition of Great Britain, Spain, and the United States in our recent effort in Iraq. They recognize the importance of stability. They also were the subject of a form of dictatorship in communism and control and their disappearance behind the Iron Curtain and within the Soviet Union for over 45 years. They appreciate the right of free people to shape their countries and their economies, probably more so than any other country around the globe today because they are newly freed nations.

I think it is important, in dealing with this effectively, as we debate it this afternoon and tomorrow, to understand that it is a role we play in cooperation with the European Community today and we will continue to have a strong role in NATO, but one that I think deserves to be redefined as the new emerging democracies of Europe become members of the North Atlantic Treaty Organization.

I am very excited about the opportunity for them. I was extremely excited to see what they are doing in Romania today and the hard work that is going on there to shape a new country, to build an economy, and to get their people back to work and out from under the old government bureaucracies of communism, and to recognize there really is a marketplace and there really is representative government and that free people can be phenomenally inventive, creative, and geniuses when they are free to the market, free to the profit incentive.

Romania clearly has that opportunity. I was over there on a different mission than to deal with NATO. I was there on a mission for children. I am the chairman of the Congressional Coalition on the Adoption Institute. As Romania was emerging, we know there were a good number of accusations over the past years, following the dictatorship of Ceausescu and when the world got a chance to see inside Romania, about how they were handling their orphans and children who had no families.

I began to work through the Adoption Institute for the ratification of the Hague Treaty which developed an international protocol that all nations we hope will conform to as to how they deal with their children and how they deal with intercountry adoption within a process that makes it transparent, legitimate, and legal so there is no trafficking of children.

Romania has been accused of such activity. As a result of that, the President of Romania and their parliament

decided to put a moratorium on intercountry adoption for a time. It caught a number of Americans who were in the process of adopting Romanian children midstream in those adoptions. They are working very hard at this moment, if you will, to clean up their act. They have excellent people working now to reform the whole of child care in Romania. We saw great examples of that.

They are also working to make sure they are in full compliance with the protocol of the Hague Treaty and to build a transparency into the system and to effectively register the agencies that function in the areas of adoption.

In the course of all of that discussion, and in visiting with nearly all of the elected officials of Romania, certainly the president, the prime minister, defense ministers, and others, they recognize all of these issues go hand in glove as they emerge into an environment where they can become a member of the North Atlantic Treaty Organization and ultimately a member of the European Union. Of course, for them and for their country, their economy, and their citizenry, this is an ever-important process, an important march and journey that the country of Romania is on.

That is certainly true in the broad sense of all of the countries I just mentioned that are now looking for acceptance into the North Atlantic Treaty Organization. It is important we speak to that. A good deal more will be said certainly by Senators WARNER, LEVIN, ROBERTS and others, along with Senator DODD, as we deal with this issue and vote on this particular Executive Calendar number.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DOUBLE TAXATION

Mr. CRAIG. Mr. President, since we are still in morning business, I will speak a few more moments until another of my colleagues asks for time.

Because it is time sensitive, I thought I would talk for a few moments about the issue of double taxation of dividends that is currently before our Finance Committee and certainly is a major component of our President's stimulus package.

Some weeks ago, before the Special Committee on Aging that I chair, we looked at this issue as it relates to older Americans. I found it fascinating that 71 percent of all taxable cash dividends are received by Americans age 55 and older. Dividend income benefits older workers and seniors who worked very hard throughout their working life, sacrificed, saved, and invested in

stocks, and in their senior years were most assuredly concerned that those stocks were dividend producers.

Unfortunately, dividend income is taxed twice—we know that—once at the company level and then again at the individual level. In effect, it certainly punishes older Americans for taking personal responsibility in their lives to save and build a little nest egg as a part of their total retirement.

This pie chart demonstrates that very clearly. Dividend penalties are received by more than half of all of our seniors. This pie chart shows that 52 percent of seniors receive taxable dividends. Nine million seniors are age 65 and older, many on fixed incomes, and rely on a little dividend income. The average dividend income for these seniors is over \$4,000 a year, and that is very significant to a retired person living on a fixed income.

That is one of the reasons our President put this idea forth. But it is only one reason. The economists who we had before the Special Committee on Aging talked about a lot of other issues embodied in this concept.

When our President first proposed it, there were a good many who said: Why this? How could this be stimulative to the economy? As those critics began to examine what our President proposed and put it in a computer model to see what kind of stimulative effect it might have, they began to recognize that it might have considerable effects.

Economists are now suggesting it would reduce the cost of business investment by 10 to 25 percent. In other words, the cost of capital that businesses require to build plants and create jobs could be reduced by as much as 25 percent. And, in fact, they would be removed from basically a 71-percent net tax bracket in which dividends or profits of corporations find themselves.

I find it interesting that we are the country of the free enterprise system, we are the country of big business, in which the rest of the world wants to invest, generating and creating the jobs on which so many of our workers depend—and at the same time we tax our profits from these businesses at nearly 71 percent. We tax them in combination twice, once at the corporate level and once at the individual level.

We are now beginning to find increased business investment that would result and have a tremendous stimulative effect on our economy and would boost the technology side of spending in our country. That is one of the very areas that help is so directly needed.

Most technology companies depend on purchases made by the industries most likely to pay dividends. It is the growth generating effect of the two in combination that is so important. These industries include manufacturing, banking, insurance, transportation, communications, and other sectors. All of them currently are flat or growing very slowly.

The strength of these industries depends on boosting their business investment. If these industries are strong and are buying the new technologies of the country, then our technology side also begins to strengthen. Of course, increased use of technology by workers improves worker productivity.

You have to get the marketplace working and you have to get investment back into the market to increase productivity. Productivity is the ultimate source of economic prosperity.

While it will tremendously benefit seniors—and these are statistical facts on which we all agree—what we are really talking about is jobs. What the American people are questioning and asking for right now is job creation, and we are playing politics with an awfully important issue that can have the effect of stimulating the economy, bringing investment into the economy, and creating those jobs that the American people are extremely concerned about today. Technology, the application of investment into these fields, ratchets upwards and does exactly what we want it to do, producing higher levels of productivity and driving wages higher for all of our citizens. It is an economic combination that works well.

It is interesting that the economic critics are quiet because they have done their modeling and they have seen the positive, job creating effect of ending the double taxation of dividends. It is now the political critics who step forward saying we cannot do this kind of thing. Of course, if one is a critic of the issue and their political advantage requires that somebody ought to fail who has put this issue forward, then denying this economy the ability to grow is certainly in the forefront of their concern.

The argument is deficits and spending, that government does not create jobs, it just spends a lot of money. Yes, ending the dividend penalty can have an effect, and I talked earlier this morning about the effect of technology and the application of technology once it is well developed in areas where the public sector cannot go.

That ultimately will create jobs when it is applied in the private sector, but certainly the kind of spending we are talking about as it relates to government is not what generates jobs. What will generate jobs and what most of us have come to realize can generate jobs—is an effective economic stimulus package that does not double tax, that does not penalize profit-seeking, and that does allow a reduction in the cost of capital by as much as 10 to 25 percent.

In my State of Idaho, employment decreased by 6,000 workers last year, and we are not a big State. Earlier this year, Micron, one of my larger employers, announced a plan to lay off 1,000 people. Zilog, a California company employing a number of people, closed its doors. The dividend taxation is, in part, something that can change this

equation effectively and, I think, responsibly. I hope the Finance Committee can bring a stimulus package to the floor that has the elimination of double taxation as a centerpiece to the total package that we will be voting on here in the next couple of weeks.

I see my colleague, the chairman of the Judiciary Committee, the senior Senator from Utah, is now on the floor. I will yield the floor so he has adequate time to speak. I thank my colleagues for listening.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. My colleague from Idaho has been a formidable force in the Senate for many years and he has done a terrific job, and these particular remarks I agree with and associate myself with.

Mr. CRAIG. I thank my colleague.

THE LOOMING SUPREME COURT BATTLE

Mr. HATCH. Mr. President, I want to take a few moments this morning to share with my colleagues an article that recently appeared in the Washington Times about what may happen if there is a Supreme Court vacancy this year. I hope this article is wrong because it will be a sad day for America if its predictions come true. But I am going to talk about this article because I think its predictions might come true in this bitter, partisan Senate that exists today.

This article, written by James L. Swanson of the Cato Institute, is entitled, *Forthcoming Clash for the Court*. Let me take a moment to share with my colleagues the dire forecast this article sets forth. It begins:

At the Supreme Court of the United States, October Term 2002 is drawing to a close. The justices hear their last oral arguments on April 30, and in late June they will take to the bench for the last time to announce their final opinions of the term. Court watchers await decisions in several important cases, including free-speech and affirmative-action issues, which may not come down until the last day of the term. But that is not the only reason why court watchers have circled the last week in June on the calendar. That is when oddsmakers are betting on the retirement of at least one member of the court.

For months, pundits have speculated that Chief Justice William H. Rehnquist, Justice Sandra Day O'Connor or Justice John Paul Stevens will step down this year. Why?

Because justices traditionally retire under the political party that appointed them, and this is the last chance for these three Republican appointees to retire during President Bush's first term with the assurance that he can fill a vacancy before the 2004 election.

Because, in the case of the chief justice, he has, in three decades of service, gone from lone dissenter to leader of the court's return to the first principles of limited government and federalism, and will go down as one of the most important chief justices in history.

I agree with that assessment. I agree the author is right on that. Chief Justice Rehnquist has been a remarkable chief justice and the Court has done

some remarkable things under his leadership. But the article goes on to say:

Because, in the case of Justice O'Connor, the press spread rumors that she wanted to retire.

Because, in the case of Justice Stevens, he is 83 years old.

Both are excellent people and excellent leaders. Let me go on:

It is impossible to know whether these or any other members of the Supreme Court are planning to retire this year. Many self-styled experts have embarrassed themselves by attempting to predict a justice's vote in a single case, let alone a retirement from the bench. Nor is this to suggest that any of the nine justices should retire. The performance of the oldest justice (John Paul Stevens), to the youngest (Clarence Thomas), of the longest serving (William H. Rehnquist) to the briefest (Stephen Breyer), reveals that all remain able and engaged. Their written opinions confirm that none has suffered an intellectual decline. One may disagree with their views, but not their competence to serve. If a retirement comes, it will occur because the justice wants to step down, not because he or she has to.

It might not happen until the end of June. But it could also happen tomorrow. Justices Potter Stewart, Warren E. Burger and Thurgood Marshall waited until the end of their final terms and made June announcements. But Byron White and Harry Blackmun announced their retirements early, on March 3, 1993, and April 6, 1994, respectively, to give President Clinton ample time to nominate their successors, Ruth Bader Ginsburg and Stephen Breyer, and to win Senate confirmation by, in both cases, the beginning of August.

Although it is impossible to know if or when a vacancy will occur, one thing is easy to predict: how Democrats will respond to Mr. Bush's first nomination of a Supreme Court justice. Senate Democrats, in combination with a cabal of special interest groups, intend to politicize the Supreme Court and oppose any Bush nominee, regardless of who the nominee is. History, both recent and reaching back to the Reagan and first Bush presidencies, offers little encouragement that the Senate will conduct itself professionally and responsibly.

The pattern emerged over time: the Democrats' defeat of Judge Robert H. Bork's nomination to the court in 1987; their near-killing of Judge Clarence Thomas' nomination in 1991; their rage against the Supreme Court for "handing" the presidency to the Republicans in the 2000 election; the notorious Washington Post op-ed by Abner Mikva (former Clinton White House counsel and retired U.S. Court of Appeals judge) calling on the Senate to block any Supreme Court nominations by President Bush; their bottling up superbly qualified appellate court nominees for nearly two years on the Democratic-controlled Senate Judiciary Committee; their obsession with *Roe vs. Wade* and their imposition of ideological litmus tests; their celebration of the American Bar Association seal of approval as the "gold standard"—until the ABA began giving many of Mr. Bush's nominees the highest possible rating; their filibustering of the nomination of Miguel Estrada to the U.S. Court of Appeals in Washington to prevent an up or down vote even after a majority of senators announced that they will vote to confirm him; their threatened filibuster against Texas Supreme Court Justice Priscilla Owen for a seat on the 5th U.S. Circuit Court of Appeals.

That history, and more, exposes what Democrats will do to fight a Bush Supreme

Court nomination. The attack will be waged on two fronts, one substantive, the other procedural.

The substantive attack will have six parts. Retirement day blitzkrieg. If the retiring justice is a Republican, and gives the White House advance, confidential notice of his or her intention to retire, as Chief Justice Warren Burger did in 1986, the president will have an opportunity to announce a retirement and a nomination on the same day. Within one hour of that nomination, a leading Democratic senator, probably Tom Daschle, Edward Kennedy, Patrick Leahy or Charles Schumer, will attack the nominee's character, integrity or competence. (Recall Mr. Kennedy's outburst within 45 minutes of President Reagan's nomination of Judge Bork: "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue policemen could break down citizen's doors in midnight raids, school children could not be taught about evolution, writers and artists could be censured at the whim of government.") Sundry left wing "public interest" (actually, special interest) groups will join the chorus. The purpose of the first day blitzkrieg is to set the president and the nominee reeling on their heels and destroy the momentum of the nomination. The blitzkrieg aims to spin that night's TV coverage and the next morning's newspaper stories.

The paper blizzard. Within hours of the nomination, senators and special interest groups will inundate the press with letters, reports, memos and even small books that purport to expose the unfitness of the nominee. In many cases, those scripts have already been written. For more than two years, Democrats have been doing "opposition research," as though preparing for a political campaign, to uncover damaging information on the 10 to 15 people rumored to be on the president's short list for the court. The purpose of the paper blizzard is to turn public opinion against the nominee long before the Senate Judiciary Committee even convenes a hearing on the nomination.

The indictment. The paper blizzard will include some or all of the following accusations: The nominee is not "sensitive" to the rights of women, children, black Americans and other racial minorities, the disabled, workers, unions, farmers, native Americans and others. The nominee is "out of the mainstream" of the American legal tradition; is too "right wing"; is even "radical." (Democrats perfected their use of those smear tactics against Judge Bork, stooping so low as to suggest he might not believe in God. Apparently a godless conservative is even more dangerous than a god-fearing one.) With much hand-wringing, Democrats will cry crocodile tears, sighing "if only the president had nominated a moderate conservative, we would be delighted to confirm him or her."

We have seen that lately in just regular nominations. You can imagine what is going to happen with the Supreme Court nomination.

If the nominee does not have an extensive body of scholarly writings, Democrats will tar him as a "stealth" candidate, who possesses hidden and alarming views. If, on the other hand, the nominee has written extensively, those writings will be denounced as "out of the mainstream."

Remember that phrase. We have seen a lot of it around here in recent times on current nominees, who have had unanimous well qualified ratings from the gold standard of the Democrats, the American Bar Association.

Mr. Swanson goes on to say:

If the nominee believes in a color-blind society and equal treatment under the laws, and questions the constitutionality of race-conscious policies called affirmative action by some, then of course the nominee is a "racist" who will want to "turn back the clock" on civil rights, overturn *Brown vs. Board of Education*, repeal the 13th, 14th and 15th Amendments, and reintroduce slavery.

Mr. Swanson is very colorful in some of his remarks, but we have actually seen this type of treatment of Republican nominees.

Mr. Swanson goes on to say:

Beyond attacking the nominee personally, the paper blizzard will suggest that he or she represents a so-called transformative appointment who will upset the alleged delicate balance of the court. Some Democrats will seek cover by claiming that they have nothing against the nominee, he or she is just the wrong person at the wrong time for the best interests of the court and the country.

We have actually seen that in the months since January, and on other occasions, with the same arguments being used against people with unanimous well qualified recommendations from the American Bar Association.

Mr. Swanson goes on to say:

Rancorous hearings. Mr. Bush's first nominee to the court should not expect a cordial reception from Democrats on the Judiciary Committee. They will attempt to grill the nominee for three to six days. They will ask hundreds of questions. Many hostile witnesses will be called. Special interest groups will haunt the hearing room and loiter in the halls, murmuring against the nominee and handing out attack literature.

The partisan committee vote. For the Democrats, the hearings are mainly for show and to posture before the cameras for their constituencies and the left-wing special interest groups. They will have already decided their vote before the hearing begins or the nominee speaks one word. Of course that vote is "no." Because Republicans are a majority on the committee, the nomination will be reported to the Senate favorably by a party-line vote.

The Senate vote. Once the Judiciary Committee reports the nomination to the full Senate, Democrats opposing the nomination will continue to fight it on the floor by insisting on a lengthy debate. Then they will try to persuade their colleagues to vote against the nominee. Ultimately they will lose. The president's nominee will be confirmed because the Republican majority, plus a number of responsible Democrats, will vote to confirm him. If there is a vote, that is.

Along with their substantive attack on the nominee, Democrats will mount a procedural attack. That plan has two elements.

Delay the Judiciary Committee hearing. Upon making a nomination, the president will ask Judiciary Committee Chairman Orrin Hatch to schedule hearings by early July, with the goal of having a Senate floor vote by late July or early August. Democrats on the committee will vigorously oppose that goal and attempt to delay the hearing until September. They will bleat that there must be no "rush to judgment," and claim that they require months to "study" the nominee. Their ability to stall Judge Bork's hearings until September contributed to the nomination's defeat. Democrats and the special interest groups had all summer to mobilize their onslaught against Judge Bork. The White House failed to an-

ticipate the viciousness of the assault and was taken off guard. Because the Republicans now control the committee, the Democrats will find it harder to stall the hearings.

The filibuster trump card. When all else fails to cow the president's nominee into withdrawing, when the Democrats have been unable to stall the Judiciary Committee hearing, when they can't stop the committee from reporting the nomination favorably to the full Senate, after they fail to turn mainstream America against the nominee, when they count heads and discover that a majority of senators, including many Democrats, intend to vote to confirm the president's nominee, look for the leaders of the opposition to play their favorite, anti-democratic, Democratic trump card—the filibuster. Democrats challenged the president on Miguel Estrada, and they believe they have found the president wanting. Although Mr. Bush has called Mr. Estrada one of his most important appellate nominees, the White House has, for the past two years, been unable to confirm him. The Democrats' successful filibuster against Miguel Estrada, the first ever against a nominee to a U.S. Court of Appeals, has emboldened them to challenge Mr. Bush when he makes his first nomination to the High Court. The Democrats have paid no price for their Estrada filibuster. Look for them to test the president again.

Yes, that is the worst-case scenario, and it may not unfold. In any event, if there is a vacancy on the court, the nominee must be treated civilly, fairly and allowed an up-or-down vote by the full Senate, as the Constitution contemplates. The president had better be prepared for a fight. His opponents are certainly ready. If the president prevents the politicization of nominations to the lower Federal courts, and to the U.S. Supreme Court, he will win the most important domestic battle of his first term. If he loses that battle, he may not get a second chance.

Those are one observer's predictions about the fight that will ensue if there is a vacancy on the Supreme Court this year. As I said at the outset, I certainly hope that the predictions in this article do not come true, because it will be a sad day for the Senate and for the country if they do. I have to admit that many of the tactics described in this article sound alarmingly familiar—we have seen them practiced with great skill on President Bush's Circuit Court of Appeals nominees.

We have seen most of those types of techniques used in various debates. I am hopeful that this type of bitter partisanship will not continue. I continue to try to be optimistic about the prospects for a Supreme Court vacancy, but it gets harder and harder every day, and about fair treatment for whoever is appointed by this President. I have to say I have a great deal of concern about how the President's nominee or nominees to the Supreme Court will be treated. I hope my colleagues will think about the impact of these tactics as described in this article and the consequences of such a destructive campaign on both the Senate and the Nation.

Mr. Swanson has done us a favor by putting what have been tactics used in the past into an article—yes, an alarmist article, but unfortunately every one of those tactics he has described has been utilized in the past by friends on the other side.

We are right now in the middle of filibusters against two highly qualified, exceptional people, and the arguments used against them are almost unreal. The only argument I keep hearing about Miguel Estrada is he just hasn't answered all the questions. We have had very few circuit court nominees who have even come close to answering the number of questions that have been asked of Mr. Estrada. We hear arguments against Priscilla Owen, about the only thing left that has not been totally obliterated by the facts: that she joined in dissent—in a few of the better than 800 cases—of a young girl who asked for a judicial bypass so her parents would not have to be notified about her upcoming abortion.

Polls indicate that more than 70 percent of the American people support parental notification. It has nothing really to do with *Roe v. Wade*. It has to do with whether parents have a right to assist or consult with their young daughter who may be going through the most momentous medical procedure in her lifetime. But the finder of fact in these few cases found that these young women—these young girls—should consult with their parents. That is being held against Priscilla Owen as though she is against *Roe v. Wade*, when she clearly and unequivocally said she will support the decision in *Roe v. Wade* as a circuit court of appeals judge. You couldn't ask anything more of her, but they are asking more.

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

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NATO EXPANSION TREATY

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 6, which the clerk will report.

The legislative clerk read as follows:

Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

The PRESIDING OFFICER. Under the previous order, there are 4 hours of debate on the treaty.

The Senator from Indiana.

Mr. LUGAR. Mr. President, we now commence a very important debate on the NATO treaty.

On behalf of the Committee on Foreign Relations, I am pleased to bring the protocols of accession to the North Atlantic Treaty of 1949 to the floor for

the Senate's consideration and ratification. The protocols extending membership to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were signed on March 26, 2003, and were transmitted by President Bush to the Senate on April 10, 2003. The accession of these countries to the NATO Alliance is a tremendous accomplishment. It deserves the full support of the Senate and the governments of the other 18 NATO members.

The Foreign Relations Committee has held 10 hearings on NATO since 1999. Five of these hearings were held during the last 2 months, as we prepared for this debate on the Senate floor. The Senate Foreign Relations Committee gave its unanimous approval to the resolution of ratification.

I especially thank Senator JOSEPH BIDEN for his assistance in moving NATO expansion forward and for his insightful participation in the wider debate on NATO policy. The resolution of ratification before us today reflects our mutual efforts to construct a bipartisan resolution that could be broadly supported by the Senate.

During the course of the committee's consideration of the Protocols of Accession for these seven nations to join NATO, we received testimony from Secretary of State Colin Powell, Under Secretary of State Marc Grossman, Under Secretary of Defense Doug Feith, and United States Ambassador to NATO Nick Burns. Each expressed strong support for NATO expansion. In addition to efforts undertaken in the Foreign Relations Committee, Senators LEVIN and WARNER and the Committee on Armed Services conducted two hearings examining the military implications of the treaty and shared an analysis of their findings with us. This letter has been made a part of the RECORD and our committee report.

When NATO was founded in 1949, its purpose was to defend Western democracies against the Soviet Union. But the demise of the Soviet Union diminished the significance of NATO's mission. We began to debate where NATO should go and what NATO should do. In early 1993, I delivered a speech calling for NATO not only to enlarge, but also to prepare to go "out of area." At that time, many people were skeptical about enlarging NATO's size and mission. Those of us who believed in NATO enlargement prevailed in that debate. And I believe that events have proven us right.

As we consider this new enlargement, it is clear that the last round has been highly beneficial. Hungary, Poland, and the Czech Republic are among the most dynamic countries in Europe. They are deeply interested in alliance matters, and they have sought to maximize their contribution to collective security. The prospect of NATO membership gave these countries the incentive to accelerate reforms, to settle disputes, and cooperate with their neighbors. Their success, in turn, has been a strong incentive for democra-

tization and peace among Europe's other aspiring countries.

Many observers will point to the split over Iraq as a sign that NATO is failing or irrelevant. I disagree. Any alliance requires constant maintenance and adjustment, and NATO is no exception. The United States has more at stake and more in common with Europe than with any other part of the world. These common interests and shared values will sustain the alliance if governments realize the incredible resource that NATO represents. As the leader of NATO, we have no intention of shirking our commitment to Europe.

But as we attempt to mend the alliance's political divisions over Iraq, we must go one step further and ask, if NATO had been united on Iraq, could it have provided an effective command structure for the military operation that is underway now? And would allies, beyond those currently engaged in Iraq, have been willing and able to field forces that would have been significant to the outcome of the war? In other words, achieving political unity within the alliance, while important to international opinion, does not guarantee that NATO will be meaningful as a fighting alliance in the war on terror.

In the coming years, NATO will have to decide if it wants to participate in the security challenge of our time. If we do not prevent major terrorist attacks involving weapons of mass destruction, the alliance will have failed in the most fundamental sense of defending our nations and our way of life.

This reality demands that as we depend NATO, we also retool NATO, so that it can be a mechanism of burden sharing and mutual security in the war on terrorism. America is at war, and we feel more vulnerable than at any time since the end of the cold war and perhaps since World War II. We need allies to confront this threat effectively, and those alliances cannot be circumscribed by geographic boundaries.

In our committee hearings on NATO, we have heard encouraging testimony that our allies are taking promised steps to strengthen their capabilities in such areas as heavy airlift and sea-lift and precision-guided munitions. We also have heard that the seven candidates for membership are developing niche military capabilities that would be useful in meeting NATO's new military demands. But clearly, much work is left to be done to transform NATO into a bulwark against terrorism. An early test will be NATO's contribution to peacekeeping and humanitarian duties in the aftermath of combat in Iraq. A strong commitment by NATO nations to this role would be an important step in healing the alliance divisions and reaffirming its relevance for the long run.

The Resolution of Ratification we are considering today includes nine declarations and three conditions. I will review each of these provisions for the benefit of the Senate:

Declaration 1 reaffirms that membership in NATO remains a vital national security interest of the United States.

Declaration 2 lays out the strategic rationale for NATO enlargement.

Declaration 3 emphasizes that upon completion of the accession process, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia will have all the rights, privileges, obligations, responsibilities, and protections of full NATO members.

Declaration 4 emphasizes the importance of European integration.

Declaration 5 reiterates NATO's "open door" policy, and declares that the seven new countries will not be the last invited to join the alliance.

Declaration 6 expresses the Senate's support for the Partnership for Peace.

Declaration 7 expresses support for the NATO-Russia Council established at the Prague Summit, but reinforces the Senate's view that Russia does not have a veto or vote on NATO policy.

Declaration 8 declares that the seven candidate countries have implemented mechanisms for the compensation of victims of the Holocaust and of Communism.

Declaration 9 states that the committee has maintained the constitutional role of the U.S. Senate in the treaty-making process.

Condition 1 requires the President to reaffirm understandings on the costs, benefits, and military implications of NATO enlargement.

Condition 2 requires the President to submit a report to the Congressional Intelligence Committees on the progress of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in meeting NATO security sector and security vetting standards.

Finally, Condition 3 requires the President to certify to Congress that each of the governments of the seven candidate countries is fully cooperating with the U.S. efforts to obtain the fullest accounting of captured and missing U.S. personnel from previous conflicts and the Cold War.

When President Bush made his first trip to Europe 2 years ago, he strongly voiced the U.S. commitment to Europe generally and to NATO in particular. Now at a moment when relations with some of our European allies are strained, a clear showing of bipartisan support for NATO enlargement takes on added importance. The affirming message of the first round of enlargement led to improved capabilities and strengthened transatlantic ties. I am confident that this second round will do the same. I ask my colleagues to join me in voting for this resolution of ratification.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I will proceed with an opening statement relative to the matter before us, and that is expansion of NATO.

Mr. President, today we begin consideration of an amendment to the North Atlantic Treaty of 1949 to admit to NATO seven new members—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

If we approve this legislation, as I hope we will, it will mark an important step in the strategic transformation of the Alliance to respond to a new security environment.

I would like to discuss the history of this strategic transformation and then to examine the qualifications of each of the seven candidate countries.

The process of transforming the Alliance actually began shortly after the collapse of communism in Europe in 1989.

The first major change in the post-Cold War NATO was an absolutely critical event that is all-but-forgotten today: the accession to NATO, without fanfare, of the former East Germany when it reunited with the Federal Republic of Germany on October 3, 1990.

We talk about the expansion of NATO and we never really mention that. Again, the first significant thing that happened in transforming the alliance in the new security environment was that East Germany, a former Warsaw Pact member, was accepted and subsumed into and became part of Germany again, but also became part of NATO as a consequence of that.

The following year, in June 1991, the Warsaw Pact disbanded, and in December 1991, the Soviet Union dissolved.

At the Madrid Summit in July 1997, NATO invited three countries from the former Warsaw Pact—Poland, the Czech Republic, and Hungary—to enter into final accession negotiations with the Alliance.

I might say a word about the care with which this body scrutinized that round of NATO enlargement.

The Committee on Foreign Relations alone held a dozen detailed hearings and published a 550-page book containing hearing transcripts, policy analyses, a detailed trip report, and other documents. Other committees also held hearings on enlargement.

Then, during March and April of 1998, came seven full days of intense debate on ratification here on the floor. I had the privilege of being floor manager for the ratification, which was approved by a 80-19 vote on the evening of April 30, 1998.

Poland, Hungary, and the Czech Republic formally joined NATO on March 12, 1999. Less than 2 weeks later, the Allied air war was launched against Serbian aggression in Kosovo.

The events of the 1990s, and the increasing instability in the Middle East and Central Asia, led my farsighted colleagues—Senator LUGAR and former Senator Nunn, to the memorable con-

clusion that the NATO Alliance had to "go out of area, or out of business."

Still, most analysts remained skeptical. The terrorist attacks of September 11, 2001, dispatched any remaining doubts about the nature of the threats we now face. The unanimous decision on the following day by the NATO Allies to invoke Article 5 for the first time in NATO's history confirmed the vitality of NATO's collective defense principle.

At the NATO Ministerial Meeting in Reykjavik in May 2002, the Allies agreed that in order to meet security threats, NATO needed forces that could be deployed quickly to wherever they are needed and sustained over time to complete their mission. This agreement effectively settled, at least conceptually, the "out-of-area" debate.

Meanwhile, in Brussels and among NATO members a discussion had begun on the merits of a so-called "Big Bang" next round of enlargement to give meaning and force to the new missions ahead.

Recognizing that potential members in Central and Eastern Europe would individually require years to reach all of the military standards of NATO, members began to view their entrance as a regional grouping as politically and geographically strategic.

Initially, I personally had some skepticism of this perspective and was concerned about the abilities of these countries to contribute to the alliance. But the determined response of these countries to the war against terrorism, their participation in SFOR and KFOR peacekeeping in the Balkans, their participation in Operation Enduring Freedom in Afghanistan, and the progress they have made on their NATO membership action plans, so-called MAPs, convinced me all seven of these countries would serve us well as formal allies. I declared my support for all seven of these countries in an article I wrote for the Los Angeles Times of September 1, 2002.

The critical turning point in defining new tasks for NATO occurred at Prague in November 2002, at NATO's so-called "Transformation Summit."

Prague crystallized the debate over NATO's new missions, new capabilities, and new members, and it afforded members opportunity to set forth a strategic agenda for a revitalized NATO.

Among the accomplishments at Prague, the alliance agreed to the Prague Capabilities Commitment. NATO, because it is a military organization—I think it is beyond that and is a political organization as well—loves all these acronyms. It takes a while; I apologize for my colleagues who do not follow this closely. The PCC, the Prague Capabilities Commitment, replaced the overly ambitious and broad Defense Capabilities Initiative of 1999 with a more concrete framework for force modernization and adaptation, including acquisition of equipment and technology through consortia of members and the development by individual

countries of so-called niche capabilities, which I will describe later. That is a new term that is formally being used.

NATO also adopted an American proposal to develop a NATO response force, NRF, a high-readiness, mobile combat unit that would allow NATO to go out of area to meet threats where they arise.

Finally, the alliance invited the seven countries whose qualifications we are considering today to begin final negotiations with the alliance on joining as full members.

NATO issued the invitation knowing that the militaries in most of the seven countries would not greatly enhance the war-fighting ability of the alliance, at least in the short term. Taken together, however, they will measurably increase NATO's potential.

The seven invited countries will add 220,000 active-duty troops to the alliance immediately, or about 175,000 by the end of the decade, once current reform and restructuring of forces are completed in Bulgaria, Romania, Slovakia, and Slovenia. This represents a 6 percent overall increase in NATO military forces.

This round of enlargement will also yield strategic infrastructure benefits. The membership of the seven countries will increase the number of airfields with long runways available to the alliance by 6 percent and the number available in Europe by 13 percent.

Airfields and ports in these countries also factor in to the Pentagon's initial plans to reshuffle its forces in Europe, including the possibility of building U.S. bases and airfields in Bulgaria and the nearby Black Sea port of Burgas, as well as at a Romania airbase and a Black Sea port of Constanta.

In addition, Romania has unmanned aerial vehicles and a C-130 lift capability, while Slovakia has air-to-ground training ranges.

Moreover, the enlargement will add so-called niche capabilities to NATO's array of professional forces, several of which could be directly applicable to future out-of-area missions. These specialized capabilities include Bulgarian and Slovak antinuclear, biological, and chemical weapons teams; Slovenian demining units; Romanian elite force and mountain troops; Lithuanian special forces and medics; Estonian explosive detection teams; Latvian explosive ordnance destruction specialists, including underwater demolition teams; and a joint Baltic Sea air surveillance network.

While their forces may be small in number, the seven invited countries have shown no hesitancy in deploying their uniformed men and women in the Balkans, Afghanistan, and, in some cases, in the Middle East, as coalition operations have required.

In February of this year, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia joined NATO candidates Albania, Croatia, and the former Yugoslav Republic of Macedonia as the so-called Vilnius Ten in

bravely standing with the United States and its coalition partners.

They declared the importance of the transatlantic alliance and called for action by the international community in response to the clear and growing danger posed by Saddam Hussein in Iraq.

Mr. President, a short excerpt from their declaration demonstrates the vigorous spirit these nations I believe will bring to NATO:

Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threats posed by the nexus of terrorism and dictators with weapons of mass destruction.

In word and in deed, these countries have already demonstrated their value as partners and de facto allies, and it is in the interest of the United States, in my view, to see this partnership be made formal by their acceptance into NATO.

The governments of the seven involved countries have also taken tremendous steps and, in some cases, faced considerable political risk to align their institutions and policies in accordance with NATO's standards and values. Let me summarize their individual qualifications for NATO membership.

Bulgaria: Bulgaria has committed to spend around 2.8 percent of GDP on defense in 2003, a higher percentage than that of several of our current allies, and to continue to downsize its armed forces by the thousands. On October 31, 2002, Bulgaria announced that it had destroyed all of its FROG, SCUD and SS-23 missiles, remnants of the old Soviet arsenal.

To shut down any further proliferation of gray arms, Sofia has adopted a supplemental export control legislation, drafted a new border security act, and adopted new regulations on border checkpoints.

Moreover, it took immediate and decisive action against those involved in the illegal shipment that occurred last year from the Terem military complex.

Bulgaria, a rare country that protected its Jewish citizens during World War II, has generally been tolerant of all its religious, ethnic, and political minorities. An exception was the anti-Turkish campaign in the late eighties, the dying spasms of a discredited Communist regime. Today a largely ethnic Turkish party is a member of the governing coalition. Bulgaria is now moving to complete the process of property restitution to its Jewish community with only one property still under legal procedure.

Estonia: Estonia leads the Baltic region in free market reforms, increased defense spending last year of 2 percent of GDP, and is developing a light infantry brigade, the first battalion of which should be equipped and trained by the end of this month. The organization, Transparency International, has rated

Estonia the least corrupt country in central and Eastern Europe.

Building on an already good record, last year, they adopted an action plan to improve the administration and judicial capacity in their country.

Estonia has amended minimum language requirements in its laws on citizenship and employment to address needs particularly of its large Russian ethnic community. As a result, in the most recent national elections, the ethnic Russian parties failed to clear the 5 percent hurdle necessary to enter Parliament. In other words, the majority of Estonia's ethnic Russian citizens cast their vote for multinational parties on the basis of substantive issues, not ethnicity. I think that is remarkable.

In August 2002, overcoming a few voices of intolerance, the Estonian Parliament voted to recognize January 27 as a day of remembrance for the Holocaust.

I know the Presiding Officer is a student of that era, as well as my colleague from Indiana, the chairman.

That is also a fairly remarkable undertaking. People in this country think it would be automatic, but that is a pretty big deal.

Latvia has enacted a law to require 2 percent of its GDP to be spent on defense beginning this year. By the end of 2003, Latvia's first professional infantry battalion will be ready to participate in NATO-led operations, with three additional mobile reserve battalions ready in 2004.

Riga's economic reform efforts have been well funded and generally successful, and Latvia is now assisting other post-Communist countries such as Georgia and Ukraine with their own reform efforts.

After a somewhat contentious start in the early 1990s, Latvia has had considerable success in integrating its large Russian-speaking minority by dismantling citizenship and bureaucratic restrictions to full social and political participation within Latvia.

Lithuania has increased its spending on defense to 2 percent of GDP in 2002. By the end of 2004, Lithuania will be able to deploy and sustain a mobile, professional infantry battalion, and by 2006 a rapid reaction brigade.

A small, elite unit of Lithuanian special operations forces is currently serving in Operation Enduring Freedom in Afghanistan. Recently, this unit was involved in ground combat against al-Qaida forces during a strategic reconnaissance mission and together, with allied reinforcements, captured several of the enemy.

Lithuania signed a border treaty with Russia in 1997, which the Russian Duma is expected to ratify later this month, and has reached an agreement to permit Russian military traffic to transit Lithuania on its way to Kaliningrad.

In 2002, Vilnius launched a Program for Control and Prevention of Trafficking in Human Beings and Prostitution. The Government has established

a public center for the Roma in Vilnius, launched a program to integrate Roma into Lithuanian society, and developed information campaigns to promote this tolerance.

Conscripts in Lithuania's armed forces have a unit in their training on the history of World War II and the Holocaust in Lithuania, and the Government is working with international nongovernment organizations to establish legal procedures for Jewish communal property restitution.

Quite frankly, in a sense, as I go through this, if we did nothing other than accomplish these changes in the countries I have mentioned so far, unrelated to the military, in order to get them to move toward NATO—not to get them to make it clear what they had to accommodate to move toward NATO—I would argue it would be a significant success, a singular success, but the story goes on.

Romania, by far the largest of the seven candidate countries, spends \$1 billion, or 2.38 percent of its GDP, on defense. Moreover, Romania is committed to being a net contributor to NATO and is upgrading its 21 MiG-29 fighter aircraft, its navy ships, and its missile launching systems.

An elite Romanian infantry battalion, the Red Scorpions, served in Afghanistan—that is how they are referred to, the “Red Scorpions”—and was replaced by the Carpathian Hawks that are currently there. I love these names. It is sort of part of the history of Romania, which is another question.

I might add that Romania flew these units to Afghanistan on their own C-130s, a feat which many of our current NATO allies are unable to duplicate.

The Romanian economy has grown substantially over the past 3 years, by 4 percent in 2002, and inflation, although it remains high, has been brought under the IMF target rate of 22 percent.

Romania opened a National Anticorruption Prosecutor's Office in September 2002 and has begun a judicial reform effort that includes prosecuting judges for bribery and corruption, an act called “unprecedented in the region.” Romania's relations with Hungary have improved following the 2001 agreement on Hungarian “status law” for ethnic Hungarians outside Hungary's border. I might add, one of the major changes that took place when Hungary wished to come in was Hungary made similar reforms.

These changes are consequential. As a student of European history, some of this is centuries in coming. The animosities and antagonisms have been real. This is a big deal. The reason I bother to point that out is that it all has a ripple effect, in my view.

Hungary's admission to NATO began Hungary forming their policies that related to ethnicity. That, in turn, I believe, has made it easier for Romania—and necessary, by the way, to become part of NATO—to act in a similar way.

Slovakia has made great progress in democratic reforms and is the first

country to reelect a center-right reform government in Central and Eastern Europe since the end of the cold war.

Under Prime Minister Dzurinda, Bratislava committed to raise its defense spending and maintain it at 2 percent of GDP in 2003 and beyond. A sweeping defense reform plan, known as the Slovak Republic Force 2010, will establish by 2010 a small, well-equipped interoperable armed force integrated into NATO military structures.

In February 2003, Slovakia opened a new department to fight corruption, which is overseen by the Deputy Prime Minister and the Minister of Justice. Bratislava is preparing new laws to create an Office of the Special Prosecutor and to prevent corruption in public administration and the judiciary.

I remember, after the Prague Spring was crushed back several decades ago, I went to Bratislava to meet the fellow who was responsible for the Prague Spring.

To think that today this is all happening is, to me, amazing, just within the time that I have been in the Senate.

Alone among the seven candidates, Slovenia comes out of a tradition of nonalignment as a part of the former Yugoslavia. It is the exception. Also alone among the candidates, it won its independence by force of arms in a short, successful war against the Federal Yugoslav forces in June of 1991.

I might add, I pushed very hard in the first round for Slovenia to be added. I thought they were qualified then.

Moreover, Slovenia has won widespread acclaim for aspects of peacekeeping activities. Its International Trust for Demining and War Victims Assistance is currently responsible for two-thirds of all the demining operations in southeastern Europe.

Although the wealthiest in per capita terms of the candidate countries, Slovenia has lagged behind the other six in terms of defense spending as a percentage of GDP. Ljubljana has committed to reach 2 percent GDP by 2008. Slovenia has focused on creating two battalions of rapid reaction forces for combat and peacekeeping operations.

Freedom House gave Slovenia the highest rating of all the candidate countries with respect to rule of law and preventing and combating corruption. Slovenia is the only country among the seven candidates to have held a referendum on NATO membership. On March 23 of this year, 66 percent of those participating voted in favor of membership, a considerable achievement during the first week of the highly televised military operations in Iraq, which I need not tell my colleagues was not particularly politic or popular among most European voters.

No society anywhere is perfect, and despite their outstanding record of accomplishment, significant challenges

remain for each of the seven candidate countries. They include: permanently curtailing all gray arms sales in Bulgaria; implementing strict control over classified information in Bulgaria and Latvia; eliminating discrimination against ethnic minorities, especially Roma, in Bulgaria, Romania and Slovakia; abolishing the remaining restrictions on the freedom of the news media in Romania; completing the restitution of religious and communal properties that had been seized by the Communists or by the Fascists during the Holocaust in all of the seven countries; educating the publics of all of these countries about the Holocaust and the poison of anti-Semitism; and fully implementing legislation designed to eradicate corruption in all seven countries.

Membership in NATO, however, in my view, will reinforce the process of democratic and economic reforms ongoing in these countries.

That is why I mentioned Hungary before. I think this is a process. I think they have all met the minimum standards required, both in terms of their militaries, at this point, and in terms of reforms necessary.

I truly believe were we unwilling—and I don't believe we will be—to admit them, we would turn this progress in the wrong direction. As a member of NATO, what we have seen is that these countries will get better and better and better. At least that is my hope and expectation.

Each country has worked with NATO under the Membership Action Plan process and has developed a subsequent Timetable for the Completion of Reforms to identify strategies to conclude and build on the steps necessary to assume the full responsibilities and obligations of NATO membership.

As Ambassador Nick Burns, the United States Permanent Representative to the North Atlantic Council, recently told the Foreign Relations Committee, “We have pushed these countries hard to be ready,” and “they will be among our most committed allies when they walk through NATO's doors as full members.”

The Resolution of Ratification before the Senate today is similar to the resolution approved during the last round of NATO enlargement. Let me briefly summarize it.

The text reflects bipartisan agreement, in accord with the view of the administration, that U.S. membership in NATO remains a vital national security interest of the United States.

The Resolution of Ratification makes clear that any threat to the stability of Europe would jeopardize vital U.S. interests.

It reaffirms that the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the territory of NATO members.

It affirms that all seven countries have democratic governments, have demonstrated a willingness to meet all

requirements of membership, and are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

The resolution underscores the importance of European integration, mentioning the Organization for Security and Cooperation in Europe—OSCE—and the European Union in that regard.

The resolution also contains positive declarations on the alliance's "Open Door" policy toward potential future members, on the alliance's successful Partnership for Peace program, on the NATO-Russia Council created last year, and on compensation for victims of the Holocaust and of communism.

The resolution contains three substantive and sensible conditions relating to costs and burden-sharing, on intelligence matters, and on full cooperation with efforts to obtain full accounting of captured and missing U.S. personnel from past military conflicts or cold war incidents.

In summary, I believe the Resolution of Ratification accomplishes the objective of providing the strategic rationale for the accession of these seven new members and preserving U.S. interests with respect to future enlargement.

This round of enlargement isn't the end of the road. Rather, it is a historic milestone in a process that began with the end of the cold war.

Thus, it is essential that the door to membership remain open for candidates states Albania, Croatia, and the former Yugoslav Republic of Macedonia, as well as down the road for potential candidates like Bosnia and Herzegovina, Serbia and Montenegro, Ukraine, and perhaps other countries.

By endorsing NATO enlargement, we recognize the soundness and relevance of the vision of a Europe whole, free and at peace.

We acknowledge that a larger, stronger transatlantic relationship anchored in NATO will better serve us in confronting the transnational terrorist threats of the twenty-first century.

We affirm that the United States will continue to play a leadership role in the security of the North Atlantic area, which I think is critical for us to reaffirm.

I urge my Senate colleagues to vote in favor of the Resolution of Ratification and endorse the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia as full members of the NATO Alliance.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. We are pleased to yield time to the distinguished Senator from Kansas, as much as he would require.

Mr. ROBERTS. Mr. President, I rise today to express my support for admitting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia into the North Atlantic Treaty Organization. As NATO's focus evolves to include transnational threats, it is important to have as many like-minded nations abroad as possible.

At the same time Congress and the President must ensure NATO as a military alliance can act efficiently and with precision in the post 9/11 world.

These days I hear some pundits talk about rebuilding the alliance as if it is in the same shape as post-war Iraq or post-war Afghanistan. NATO is in no such condition. The inability to achieve North Atlantic Council approval for assistance to Turkey was damaging but not catastrophic. NATO is in good shape.

Nonetheless, it would be productive for NATO to consider improvements that would streamline its decision-making process, increase operational planning for contingencies, and more appropriately respond to a member nation who refuses to uphold basic alliance mandates such as Article IV.

Toward that end, I am pleased to join Chairman WARNER and Senator LEVIN in offering an amendment to the Resolution of Ratification that adds a declaration concerning potential reforms to NATO internal processes.

Specifically, the declaration includes a Sense of the Senate that the President should place on the agenda for discussion at the North Atlantic Council the consensus rule as well as a process for suspending a member nation that acts contrary to the provisions of the North Atlantic Treaty.

Further, the Warner-Levin-Roberts amendment requires a report from the President regarding Alliance dialogue on these issues as well as methods to provide more flexibility to NATO's military leadership for operational planning prior to formal alliance approval.

My primary focus is on the process of consensus and planning for new contingencies.

The decision-making process of consensus within the NATO alliance served the organization and its purpose well in the 20th Century. While the bipolar security environment of the previous century shaped our command, and defined our mission, the 21st Century requires that we depart from the clearly defined role of territorial defense.

NATO must recognize the need to change from the traditional terrain-based military of a defensive alliance to an effects-based alliance in order to prepare for a new set of security challenges. Our adversaries do not recognize international law, sovereignty or accepted norms of behavior.

As we recognize the growing need to conduct operations outside the alliance's boundaries as we do in Afghanistan in order to protect our interests and enhance our security, we also need to acknowledge the inherent limitations of consensus voting by 26 nations.

Issues of security and the need to take military action will likely not be perceived uniformly in an organization that spans a wide geographic area, encompassing different interests. Recognizing this reality and the need to adopt a different modality for decision

making within the alliance is imperative.

I would argue NATO needs to consider adopting—I emphasize needs to consider—a decision-making model that doesn't require a consensus vote to act. Nations that choose not to take military action would not be compelled to participate. However, they would not block the alliance and those nations that decide to act from carrying out military operations.

That brings me to contingency planning. Currently, NATO's military leadership is forbidden to even conduct prudent planning for contingency operations until the matter is voted on in the North Atlantic Council.

The difficulty in crafting viable plans to often complex military operations amongst nineteen separate nations is a daunting task. The measure of difficulty to conduct planning will be exacerbated with the addition of seven new members.

Current planning processes may even prevent the full realization of the NATO Response Force, something that could be stood up at the June principal meeting. This capability is central to NATO's appropriate effort to develop an agile and responsive force that will enable the alliance to respond to terrorism and instability.

To transform the military capability into a viable, very responsive force without the means to rapidly employ it, is counterproductive. It is time for NATO to consider developing a methodology by which the military leadership is permitted to conduct prudent planning for contingency operations.

These are my concerns, as we vote—and I will vote—to approve further expansion of the alliance. I commend my colleagues, the chair and ranking member of the Committee on Armed Services, for sharing these concerns and for crafting a worthy amendment.

I am a cosponsor, and I urge support for Warner-Levin-Roberts amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I yield 20 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am so proud to stand on the floor of the Senate today as we consider the candidacy of seven new European democracies—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia—for membership in the NATO Alliance.

The question of NATO enlargement is one that has long been close to my heart. As Mayor of Cleveland and Governor of the State of Ohio, I worked closely with constituents in my State with ties to countries that were once subject to life behind the Iron Curtain.

It is amazing to me to see how far many of these countries have come in such a short time, rising to embrace democratic reforms after so many years under communist rule. The fact that seven countries that were once part of the former Soviet Union, the Warsaw Pact or Tito's Yugoslavia have been invited to join the NATO alliance is testament to how much has been achieved since the collapse of the Soviet Empire more than a decade ago.

We owe so much to Pope John Paul II, President Reagan, President George H.W. Bush, and now President George W. Bush. As I said to the President in a letter prior to his trip to Poland in June 2001, when he clearly articulated his support for enlargement of the Alliance:

During my entire life I have supported the Captive Nations and yearned that someday they would have freedom, but I doubted that would happen during my lifetime. However, it did happen because of your dad and President Reagan, who said "Mr. Gorbachev, tear down this wall."

I also said:

You, Mr. President, have the opportunity to guarantee the freedom and security of those once subjected to life under Communist control by making it clear that you will support the expansion of NATO to include former territories of the Soviet Union, Tito's Yugoslavia and the Warsaw Pact regardless of Russia's opposition.

And he did it.

President Bush outlined his vision for enlargement in a landmark speech to the students and faculty at the University of Warsaw on June 15, 2001, when he remarked that as we approach the NATO Summit in Prague:

We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That speech was very strategic because at the time there were many people who were wondering whether or not the President would move away from the expansion of NATO in consideration of compromising with at that time President Putin in regard to the ABM Treaty—the ABM Treaty at the time looking like it would stand in the way of moving forward with the President's National Missile Defense Initiative.

The President was true to his word, and it was extremely gratifying to see this vision begin to turn to reality when President Bush joined other NATO heads of state in Prague last November. I remain grateful to the President for inviting me to join him as a member of the Congressional delegation to the NATO Summit, along with Senator BILL FRIST, Congressman TOM LANTOS, Congressman ELTON GALLEGLY and Congressman DOUG BEREUTER. The thrill of being in the room when NATO Secretary General Lord Robertson an-

nounced the decision to invite the three Baltic nations, as well as Bulgaria, Romania, Slovakia and Slovenia, to join the Alliance, is something that I will always remember.

On that historic day, I listened as heads of state from our allied nations including the Czech Republic, France, Spain, Great Britain, Poland, Canada, Turkey, and many others praised the work done by the seven candidate countries and expressed their strong support for enlargement to include these new European democracies.

While there are disagreements within NATO that must be addressed, there is general consensus among the current members of the Alliance on the question of enlargement. It is acknowledged that in addition to shared values, the seven candidate countries bring defense capabilities that will enhance the overall security and stability of the NATO Alliance. President Bush, Secretary of Defense Donald Rumsfeld, Secretary of State Colin Powell, and the highest-ranking member of the U.S. military, Chairman of the Joint Chiefs of Staff General Richard Myers, have all expressed this view. America's top leaders believe that in addition to niche military capabilities, these seven countries bring energy, freshness and enthusiasm to the Alliance.

As Secretary Powell remarked in testimony before the Senate Foreign Relations Committee last week, enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia is in the national security interest of the United States. It will, he said:

Help to strengthen NATO's partnerships to promote democracy, the rule of law, free markets and peace throughout Eurasia. Moreover, it will better equip the Alliance to respond collectively to the new dangers we face.

NATO Secretary General Lord Robertson, after working with the NATO aspirant countries on comprehensive domestic reforms in preparation for membership in the Alliance, has also concluded that this round of enlargement will enhance the strength and vitality of NATO a view which he expressed at the Prague Summit and reiterated earlier this week during a meeting with members of the Foreign Relations Committee.

I share this view, and I believe it is appropriate and timely that we now consider these candidates for membership in NATO. They have provided crucial support in the aftermath of the terrorist attacks against our country on 9/11, and continue to make significant contributions to the ongoing campaign against international terrorism. They have shown their solidarity in our efforts to disarm Saddam Hussein and liberate the Iraqi people, and have pledged to work with the international community to promote security and reconstruction in Iraq following the end of military action.

The candidate countries have also moved forward with democratic re-

forms to promote the rule of law and respect for human rights. I am strongly concerned about the disturbing rise in anti-Semitic violence in Europe and other parts of the world. Several of the candidate countries, including Latvia, Bulgaria, and Romania, have joined with the United States, Poland and other countries to actively encourage the chair-in-office of the Organization for Security and Cooperation in Europe—OSCE—to mount a serious and credible OSCE conference on anti-Semitism. Due in part to their efforts, the OSCE has agreed to conduct such a conference, and it is scheduled to take place in June. This is just one example, but it is indicative of important action that is taking place.

As was highlighted during a series of hearings on NATO enlargement conducted by the Foreign Relations Committee, the seven candidate countries bring nearly 200,000 new troops to the alliance. They have also pledged to commit significant resources to national defense, with Bulgaria, Romania, Estonia, and Lithuania all at or above 2 percent of the gross domestic product mark in 2002. Slovakia and Latvia were just under 2 percent, and Slovenia at 1.6 percent in 2002, and they have pledged and committed to reach the 2-percent mark by 2008.

The average defense spending among candidate countries was 2.1 percent for 2002, which is equal to the average spent by the current NATO members for the same period. It is interesting to note that 11 of the 19 members of the alliance did not reach the 2-percent mark for defense spending in 2002, which we should all be concerned about. Clearly, there is room for improvement in this regard for current members of the alliance.

On March 27, 2003, Under Secretary of State for Political Affairs Marc Grossman testified before the Armed Services Committee regarding the future of NATO. When asked about the benefits of enlargement, he said:

I believe, Senators, that the accession of these countries are about the future of NATO, and will be good and directly benefit U.S. interests. Why? They're strong Atlanticists. They're allies in the war on terror. They've already contributed to Operation Enduring Freedom and the International Security Assistance Force in Kabul.

The list goes on. I agree with Secretary Grossman's assessment. These countries already make significant contributions that strengthen the transatlantic relationship.

They have acted as de facto Allies. In fact, they have acted as better Allies than some of the members that are currently in NATO. And I believe they will make important contributions, as members, to the NATO alliance.

While much has been achieved, there is still work to be done as the candidate countries continue to work on their membership action plans. As was said in Prague, Prague should be viewed as the starting line, not the finishing line. There is still a lot more that has to be done on those maps.

Efforts have continued since the Prague summit. I was very pleased to learn that the people of Slovenia—who have been engaged in a discussion about NATO membership for many years now—voted overwhelmingly in support of Slovenia's membership in NATO during a national referendum on March 23, with roughly two-thirds of the voters favoring accession to the alliance. This was a crucial step for the country that was the birthplace of my maternal grandparents. Hooray for Slovenia. I am glad they understood.

It is imperative that the candidates continue to address the outstanding issues that require attention, including military reform, respect for human rights, and efforts to combat organized crime and corruption. It is this last piece, perhaps, that concerns me the most. These problems have the potential to undermine democratic reforms, respect for the rule of law, and other core NATO values, and I believe they could be very dangerous if left unchecked.

I was glad to hear from Secretary Powell, during his testimony before the Foreign Relations Committee last week, that there are, in fact—this is wonderful—significant steps that have taken place on behalf of the NATO aspirants to combat corruption and organized crime. With regard to Bulgaria, for example, the Secretary of State remarked that the Bulgarian Government recently created an interagency anticorruption commission to be led by the Minister of Justice. The Bulgarian Parliament also passed anticorruption legislation and antibribery legislation.

Secretary Powell noted that the Romanian Government is now working on legislation to reform its judiciary, civil service, and political party financing activities. I am also hopeful that Romania will move forward with steps to ensure progress on outstanding property restitution issues, including those of significance to Hungarian and other minority groups in Romania.

So while I still think there is work to be done, I am satisfied that things are moving in the right direction.

After meeting with leaders from these seven countries and spending time in each country that has been invited to join NATO—I have been in all of them and have met with all of their leaders—I am confident that reforms will continue. I sincerely believe reforms will be swifter and more complete as these countries are brought into the alliance rather than left out. History tells us this has been the case with other countries that have been part of the alliance. NATO has a way of asserting pressure and, as General Lord Robertson said during our meeting Monday, squeezing those who need to shape up.

As we consider enlargement today, it is clear that the world is a different place than it was when Poland, Hungary, and the Czech Republic were brought into NATO. The world's democracies and multilateral institu-

tions, including the NATO alliance, face new threats to freedom, marked not by Communist aggression but, instead, by the dangerous nexus between weapons of mass destruction, rogue nations, and terrorists who have shown their willingness to use chemical, biological, or nuclear weapons against those who value freedom and democracy, if given the chance.

NATO's decision to invoke article 5 in the aftermath of the tragic events of September 11 signifies that an attack on one is an attack on all, and that sent a strong message of solidarity to the people of the United States and the world at large. I suspect that when the resolution was put together in regard to article 5, we were very careful to make sure we did not get ourselves in entangling alliances. Never did we ever believe we would be calling on the other nations in NATO to come to our assistance as they did.

NATO's mission to transform to meet these growing threats does not make the alliance irrelevant; rather, it means we need the shared commitment to freedom, democracy, and security embodied by the NATO alliance now more than ever before. A NATO alliance enlarged to include seven new democracies that have embraced these values will enhance our ability to meet new challenges for peace in the world.

At the Prague summit, NATO heads of state embarked upon a course to identify the capabilities needed to confront new challenges to international security. They agreed that new challenges would require the alliance to operate beyond Europe's borders. The Prague Declaration noted:

In order to carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, upon decision by the North Atlantic Council, to sustain operations over distance and time, including in an environment where they might be faced with nuclear, biological and chemical threats, and to achieve their objectives.

As Secretary General Lord Robertson has said, NATO must either go out of area, or go out of business.

This will become crucial as NATO prepares to assume new responsibilities in Afghanistan this August, moving forward on the North Atlantic Council's decision on April 16 to provide enhanced support to the International Security Assistance Force in Kabul. NATO's new ISAF role is perhaps indicative of the types of missions the alliance could take on in years to come. As Secretary Powell indicated last week, this is the largest step to date that the alliance has taken outside its traditional area of responsibility. And, as you know, Mr. President, they are now talking about the possibility of NATO being involved in security forces in Iraq.

As the alliance prepares for its role in Afghanistan, it does so at a time when current members of NATO and other countries in Europe have considerable experience working together, due to operations in Kosovo, Bosnia,

and Macedonia. As former Supreme Allied Commander Joe Ralston noted in remarks before the Atlantic Council on Monday evening, this is in stark contrast to the past, when members of the alliance depended on annual training exercises.

I think that is really something we should emphasize, that these nations have been working militarily together since Bosnia. They are in Kosovo today. They will be in Afghanistan. It is amazing how well the NATO command has worked in Kosovo. And I am confident it will work as well in Afghanistan.

But new missions will demand that NATO step up efforts to improve its military capabilities. This was a major theme at the Prague summit last November, where NATO heads of state approved the creation of a NATO response force, which is envisioned to consist of approximately 25,000 troops who are ready and able to deploy anywhere in the world within 30 days. The goal is to have the force operational by 2006. While work has been ongoing to flesh out the details of the NATO response force, this is still a paper concept, and we look forward to learning more about efforts to turn this into a viable force at the June ministerial meeting in Madrid.

The NATO response force goes hand in glove with the Prague Capabilities Commitment, which replaces the Defense Capabilities Initiative, or DCI, that was initiated at the 1999 Washington summit. As many of us know, very little progress was made on that 1999 Defense Capabilities Initiative.

The Prague Capabilities Commitment, though, calls on Allies to improve and develop military capabilities, focusing on defense against weapons of mass destruction, intelligence, command, control and communications, and strategic air and sea lift, among other things.

This initiative focuses on pooling resources and identifying niche capabilities that certain countries can bring to the table in order to strengthen NATO's military reach. I have been pleased to hear from Secretary Powell, Lord Robertson, and General Ralston that the alliance has begun to identify niche contributions that the seven candidates can make to future operations.

They are willing and able. They have, in fact, already demonstrated their willingness to use them in NATO operations in the Balkans as well as military efforts to combat international terrorism.

For example, Bulgaria contributes troops to NATO operations in the Balkans, with military personnel in both Bosnia and Kosovo. Bulgaria has also contributed to Operation Enduring Freedom, allowing for coalition aircraft to refuel at Burgas, and sending a nuclear, biological and chemical decontamination unit to Afghanistan. Bulgaria has also deployed a NBC unit to the Iraqi theater of operations at the request of U.S. Central Command.

Estonia also supports NATO missions in southeast Europe, and has approved the deployment of troops to assist in the reconstruction of Iraq.

Latvia has deployed medical teams to Afghanistan, and in April the Latvian Parliament approved the deployment of troops to Iraq for peace enforcement and humanitarian operations.

Lithuania has deployed a medical team and a Special Operations Unit to Afghanistan. Lithuania has also deployed troops to support Operation Iraqi Freedom.

Romania sent a military police platoon to support the International Security Assistance Force in Afghanistan. Romania has also provided an NBC unit in support of Operation Iraqi Freedom.

Slovakia has deployed an engineering unit to Afghanistan, and was the first NATO candidate country to deploy troops—an NBC unit—in support of Operation Iraqi Freedom.

Slovenia provides troops and equipment to NATO operations in the Balkans, and has also provided crucial assistance in de-mining and mine victims assistance, running the International Trust Fund for De-mining. Additionally, Slovenia has provided humanitarian and de-mining assistance to Afghanistan.

They are all doing a job right now and will do more once they are brought into NATO formally.

While there is still work to be done, these contributions are encouraging. If NATO is to meet future challenges, it is imperative that the capabilities gap between the U.S. and our European allies be addressed. The Prague Capabilities Commitment highlights critical needs within the alliance. This is a good place to start, and I am hopeful that it will succeed in producing tangible results. Without adequate capabilities, NATO's ability to respond to future security challenges will be seriously undermined.

As NATO looks to the future, there will be other challenges. Bringing in seven members will, I believe, strengthen the alliance; at the same time, there will be adjustments as NATO adapts to membership at 26 rather than the current 19. I share the sentiments expressed by Secretary of State Colin Powell and NATO Secretary General Lord Robertson that the alliance will adapt, as it always have.

I disagree with some of my colleagues, who may argue that significant changes should be made to the NATO decision-making process. The alliance has always been based on consensus, protecting the view of each member. As Secretary Powell remarked in testimony before the Foreign Relations Committee last week, NATO is not a committee or a council. It is an Alliance that has traditionally—and successfully—been based on the rule of consensus.

I was interested when Lord Robinson spoke to us on Monday. We were talk-

ing about this issue. He said somehow we worked it out. We had the problem with Turkey, and there was a question of how that would all be worked out. The alliance had the flexibility to move forward and take care of that problem.

He specifically said that they need the flexibility, that somehow they will work it out. If we come in with some specific way of how we will do this, it will tie their hands and won't give them the flexibility to do what they have to do when the time comes. I am confident they will do that.

It is my sincere belief that the European democracies of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia will, as they have already demonstrated, contribute to NATO's proud tradition and serve to strengthen the alliance. I strongly support enlargement of the alliance to include these countries, and look forward to further expansion in the future to those countries who have demonstrated the ability to accept the responsibilities that come with membership in the NATO alliance. I never thought I would be here today on the Senate floor able to recommend this to my colleagues. It is a wonderful day.

I rise today in strong support of the Resolution on Ratification before us today, which will extend U.S. support to make NATO membership a reality for these new European democracies.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. I ask unanimous consent that the time be charged equally to both sides during the quorum call.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, since the end of the cold war, the mission of the North Atlantic Treaty Organization has changed from one of confronting the Soviet Union to one of securing democracy and stability in one undivided, free Europe.

By passing the resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the Senate supports a giant step toward realizing that goal.

I want to speak just for a moment about the recent disagreements among

NATO countries regarding Iraq. After many years of supporting NATO enlargement, and my particular interest in Baltic membership in NATO—which I will speak about—I confess that I am concerned that now that my dream is on the cusp of reality, NATO is divided and torn.

I was one who thought the United States should have taken a longer diplomatic path before resorting to war with Iraq and I am particularly concerned about the impression expressed by many of our allies that there is no room for disagreement with US policy.

I believe that our relations with our NATO allies can and must be repaired. But I also want to remind my colleagues that NATO is an alliance of democratic countries whose populations were overwhelmingly opposed to the US going to war with Iraq.

If our goal is to support an undivided, democratic, and free Europe, we must accept and welcome debate within the NATO alliance and work harder to hear and accommodate the views of our allies. It would be the height of irony if the organization originally formed to confront totalitarian communism would disintegrate because of a lack of tolerance for disagreements with United States policy.

I want to focus my remarks today on this resolution on the Baltic states, not because I oppose the membership of Bulgaria, Romania, Slovakia and Slovenia. On the contrary, I supported the policy of seeking the largest possible enlargement of NATO in this round. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling.

I could not have predicted a few years ago that we could not have to fight, and fight hard, to get Lithuania, Latvia, and Estonia into NATO.

Even as recently as three years ago, Russian President Vladimir Putin claimed the NATO membership for the Baltic States would be a "reckless act" that removed a key buffer zone and posed a major strategic challenge to Moscow that could "destabilize" Europe.

Russian objections to Baltic membership in NATO had no credibility. Russia has nothing to fear from NATO and nothing to fear from Baltic membership in NATO. The tiny Baltic States are no military challenge to Russia, and certainly a democratic Russia does not threaten Europe.

I give credit where it is due, and I believe President Bush's strong leadership in supporting NATO enlargement and his firm rejection of Russian objections to Baltic membership were key to securing broad support, both here and in Europe, for this round of NATO enlargement.

A quick review of history is called for to help appreciate just how remarkable it is that Lithuania, Latvia, and Estonia are on the verge of membership.

In June 1940, the Soviet Union occupied the Baltic countries of Estonia,

Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics.

Throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and was unjust. We refused to recognize Soviet sovereignty over these Baltic States.

On July 15, 1940, President Franklin Roosevelt issued an Executive order freezing Baltic assets in the United States to prevent them from falling into Soviet hands. On July 23, 1940, Secretary of State Sumner Welles issued the first public statement of such policy of nonrecognition of the Soviet takeover of the Baltic countries. The United States took steps to allow the diplomatic representatives of those countries to continue to represent them in Washington despite the Soviet occupation.

In 1959, Congress designated the third week in July as "Captive Nations Week," and time after time, year after year, I would gather in Daley Plaza in Chicago with those from Baltic States and other occupied countries to wonder and pray if there would ever be freedom in those countries again.

The good news about Latvia, Lithuania, and Estonia's membership in NATO is it did not come about by accident. The people of the Baltics never let go of their dreams of freedom. They never let our Government forget that they were going to live by those dreams. The official U.S. policy of nonrecognition of Soviet takeover of the Baltics gave them hope.

I went to Lithuania a few years ago with my late brother, Bill. We went to the tiny town where my mother was born, Jurbarkas. When we were there, we found we had relatives, cousins, that we never knew we had, family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes come to pass in the Baltic States. When I visited Lithuania the first time in 1979, it was under Soviet domination. Freedom was at a premium, and the poor people of that country slogged by day after day wondering if they would ever have another chance at self-governance.

Lithuania, Latvia, and Estonia asserted their independence from the domination of the Soviet Union, but at a great cost. Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuania Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. I was there shortly thereafter. Today, one can see how it is a standing memorial to those who died in the latest fight for freedom in the Baltics.

Images of crowds of unarmed civilians facing down Soviet tanks in the Baltics to protect their parliaments were a powerful message of resistance. It created hope across the world.

The Baltic countries have nurtured their relations with the West, but they have also worked to have a good relationship with Russia. Despite the bitter experience of years of Soviet occupation, each Baltic country has tried to establish a good working relationship so that citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians still living in their borders. As a result of these steps, and because of U.S. and NATO's efforts to engage Russia in a positive relationship, Russia's opposition to Baltic membership has disappeared.

The Baltic countries, I wish to add, have also taken an extraordinary and historic step to face up to the bitter legacy of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvian Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning the Torah scrolls taken from synagogues and destroyed during that sad period, and working to restore Jewish property rights.

Some people question whether these tiny countries bring anything to NATO. NATO is not a country club; it is a military alliance. When the Soviet troops finally left the Baltic countries, they took almost everything, and these tiny countries started to rebuild their economy and rebuild their power to defend themselves.

The old Soviet ways disappeared, and new thinking, new leaders appeared. Western ways of thinking about military organization, whether civilian control of the military, took their place. To be sure, these are small countries, but they have been helpful countries. They will make a positive contribution to NATO. They already have in Bosnia, Kosovo, Kyrgyzstan, Afghanistan, and Iraq.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions and worried about the cost burdens. I think they realize today that those worries have not materialized into anything serious. Poland, Hungary, and the Czech Republic have been great allies of NATO.

Let me conclude by saying this. Today, Lithuania, Latvia, and Estonia have worked hard to become market economies, to watch their democracies flourish. The fact they want so much to be part of NATO is an affirmation of great hope and great optimism for Europe. I am glad we stood by these countries during the dark hours of Soviet occupation.

I am sorry my mother did not live long enough to see this day, but she did live long enough for two of her three sons to return to the tiny village of Lithuania that she never saw after leaving in 1911. Our return trip to Lithuania was part of closing a loop in our own family history, but it also established a bond, a uniting, a tie between the United States and a small Baltic nation.

By the action of the Senate today in expanding NATO for these new countries, and particularly to expand them to include all of the Baltic countries and my mother's home nation of Lithuania, I believe we are completing the job which was started in 1999: to expand NATO and cement a stable democratic and free Europe.

I yield the floor.

Mr. HAGEL. Mr. President, I rise today to support the resolution ratifying the expansion of the North Atlantic Treaty Organization, NATO, to include Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria.

NATO has been the bedrock of international security since its establishment 54 years ago. Although the military dimension of the alliance was instrumental in containing the Soviet Union, NATO was always about more than military security. America's relationship with our NATO allies has symbolized the common values, as well as the common interests, of democracies united against those international actors who represent tyranny and aggression.

We live at a time of danger, unpredictability, and potential global instability. But we also live in a time of historic opportunity. Alliances are not absolved from the forces of change in world affairs. The ability to adapt to the challenges of this new era in world affairs—challenges from terrorism and weapons of mass destruction—speak to the importance of NATO and other international institutions, including the United Nations, that have played such key roles in promoting and protecting our common interests since World War II.

NATO's decision in November 2002 to expand its current membership of 19 by inviting Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria to begin accession negotiations acknowledges the imperatives of change. I strongly endorse this action. Today, member and candidate countries are expected to do what they can to modernize their forces, including development of niche capabilities and the establishment of a NATO response force. But we know that the contributions of an enlarged NATO will not be defined solely by military capabilities. Expanding NATO also encourages a process of political and economic reform in candidate states.

There is a deep security dimension to an expanded NATO. The threats from terrorism and weapons of mass destruction cannot be handled by the United States or any country alone. Defeating terrorism requires unprecedented international cooperation in the diplomatic, military, law enforcement, intelligence, and economic areas. If our purpose in an expanded NATO is about defeating these threats to our common security, than bringing these seven new members into NATO is critical to our national security.

Although America's military power may be unprecedented in world history,

NATO will continue to play a vital role in American and global security. In Afghanistan, the German proposal for NATO to take charge of the International Security Assistance Force, ISAF, represents a new and significant turn in NATO's mission. NATO may well play a role in maintaining security in postwar Iraq. At some point, when there is an Israeli-Palestinian peace agreement, NATO troops may be called upon to help guarantee that peace.

I believe NATO's next 50 years will be just as important for world peace as its first 50 years.

Mr. HATCH. Mr. President, I rise to urge the ratification of Treaty Document 108-14, allowing for the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to the North Atlantic Treaty Organization, NATO.

I wish to commend the chairman of the Senate Foreign Relations Committee, Senator LUGAR, as well as the ranking minority member, Senator BIDEN, for the work their committee has done to prepare for this historic vote. Since the first accession to the original membership of NATO, when Greece and Turkey were admitted, the Senate has preserved its role of advice and consent on amending this treaty. Senators LUGAR and BIDEN, who have made the advancement of the Atlantic alliance a central concern in their respected careers as two of the Senate's most thoughtful members on foreign policy, have maintained the Senate's critical function, and have, through hearings and statements through the years, provided many opportunities to study the policies and the evolution of the U.S. national interest within the Atlantic alliance.

This is the second time we have voted to ratify the North Atlantic treaty since the end of the cold war. President Clinton supported the first group of new entrants in 1998, and at that time I joined 79 of my colleagues in support of membership for Poland, the Czech Republic and Hungary. When I took to this floor to urge ratification, I said: "I hope this is not the last enlargement, although I am confident that future enlargements, if they occur, will occur with the same detailed, painstaking consideration as we have conducted over the past 4 years." Senators LUGAR and BIDEN have given this accession treaty that consideration, and their committee has unanimously recommended passage. In so doing, the committee has concluded its work to achieve a major platform in President Bush's foreign policy: the admittance to this alliance of the latest group of nations willing and capable to advance the mission of the North Atlantic Treaty Organization.

We will all note that the debate today will be shorter than it was in 1998. And I predict that the vote for passage will be at least as strong, although it is worthwhile noting that every vote this Senate has had since

1955 on all of the new entrants to NATO has been with strong majorities. The reason the debate will be shorter today reflects the consensus that has formed on the subject we address today:

The enlargement of NATO, Mr. President, is good foreign policy for the United States.

Of course it is also good for the candidate countries. Working through our detailed membership action plans, these nations have transformed their militaries, improving interoperability and—this is equally important—developing complementarities of missions. They have had to accept goals for defense expenditures, exceeding, in some cases, the percentage of GNPs dedicated to defense by some of NATO's older members.

And the desire to join NATO has forced the applicant nations to promote and meet other conditions of open and democratic societies. These nations have had to resolve all border issues, establish political norms for the protection of minorities, open their historical archives and accept the responsibilities of their captive or totalitarian pasts, including the Holocaust era and the communist era, combat corruption and set standards of transparency, and educate their publics on the nature of the commitment to NATO. Throughout these years of preparation, we have seen, in varying strong and distinct measures, a host of nations enthusiastically embracing our values and earnestly accepting the responsibilities explicit in membership of the North Atlantic Treaty Organization.

The core of that responsibility lies in article V of the North Atlantic treaty. That article states: "The Parties (that is, the member states) agree that an armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual and collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

This is the commitment at the core of the NATO alliance. It is that commitment that served to deter a Soviet attack against Europe and North America for nearly 50 years. That was a deterrence that was backed up by an explicit understanding that, if deterrence failed, NATO's goal would be to predominate in victory. The deterrence worked, the peace was kept, and that is why NATO is rightly considered the most effective military alliance in modern history.

The end of the cold war brought on a reevaluation of the role of NATO, with a few suggesting that NATO was no longer necessary without a Soviet

threat. That misguided view—that mistook the end of the Soviet threat for an era of unprecedented peace and security—never took hold. More sober minds recognized that security and stability were not to be assumed as the status quo, and that conflict would take new forms, be it ethnic war from the dissolution of Yugoslavia to transnational threats emanating from other parts of the world and threatening the security of Europe and North America.

As has already been mentioned in the debate, NATO has only invoked article V once in its history, and it was not during the cold war when, as I mentioned, the deterrence of the alliance always held. Article V was invoked after September 11, 2001, when the members of the alliance determined that the attacks by al-Qaida on the United States were to be considered an attack against the entire alliance. In the days after September 11, 2001, NATO aircraft flew patrols over U.S. airspace as the U.S. military prepared to deploy to Afghanistan in the first phase of our global war on terrorism.

Under U.S. leadership, NATO has accepted that it will face new missions in the 21st century, and that many of those activities defending the members of the alliance will be out-of-area missions. A quick review of the contributions of the nations seeking membership in this latest treaty accession demonstrates, in my view, that they understand the new missions and are already contributing.

Bulgaria was a member of the President Bush's "coalition of the willing," and granted use of its airspace as well as an airbase for our Iraq operations, and has offered infantry forces for peacekeeping. While Iraq was not a NATO operation, our ability to rely on Bulgaria, as well as other existing NATO members for equipment and support, made our victory in Iraq more easily attainable.

Estonia has been contributing to NATO operations in the Balkans, providing forces to SFOR and KFOR. It was also a member of the "coalition of the willing," and has also offered soldiers for post-conflict peacekeeping in Iraq. Similarly, Latvia has also contributed to SFOR and KFOR in the Balkans, supported U.S. policy in Iraq, and has sent medics to support our operations in Afghanistan. Lithuania has contributed to U.S. operations in the Balkans and Afghanistan, and was a vocal member of the "coalition of the willing" in Iraq.

Romania has made significant contributions to U.S. operations, providing troops and transport aircraft to our mission in Afghanistan, and granting use of their territory during our operations in Iraq. One thousand American troops are currently stationed in Romania.

These are just highlights of ways that these countries have directly contributed to the challenges we face

today, and they do not include the specialties these various countries are developing to confront the challenges of tomorrow.

I raise these highlights because I believe that ratifying this treaty is good foreign policy, Mr. President, in that it strengthens America's position in the world, and enhances our ability to achieve our goals when the defense of our national security requires us to go beyond our borders.

This second wave of nations joining NATO since the end of the cold war brings political stability and expands security to most of Central and Eastern Europe, a geographic zone that brought us calamitous strife and bloodshed in the 20th century. We are referring to a region that Secretary of Defense, Donald Rumsfeld, has felicitously termed the "New Europe." I have nothing against the Old Europe, and note that history shows a common bond with many of the nations of that "Old" Europe, a bond reaffirmed by our coalition partner, Great Britain, and currently and I hope temporarily denied by other members, such as France, Germany and Belgium.

Today we vote for New Europe. In recognizing their contributions, we should not deny their enthusiastic embrace of America's role in the world. They were, after all, the captive nations of the Soviet era, and we were, after all, the leading light in the fight against communism. In their enthusiastic embrace of our values and our missions, I think of the line of Cicero, that "Gratitude is not only the greatest of virtues, but the parent of all others." These nations have shown already that they are willing to defend freedom, and their membership in the Atlantic alliance will advance that defense.

I will repeat again what I said in 1998, and say that I hope this is not the last enlargement. Croatia and Ukraine have indicated that they wish to join some day, and I would welcome them. The mission of NATO is to defend, not exclude.

Today I urge my colleagues to join me in ratifying this latest round of accession to NATO, and in so doing, to add force and depth to an organization that has long served the security of this Nation.

Mr. ALLARD. Mr. President, I rise in support of the proposed North American Treaty Alliance expansion before the Senate today.

When the NATO countries met in Prague last November, they agreed to invite seven new countries to join the Alliance as full members. These seven countries: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia have submitted their applications and proven their willingness and ability to respect the political and military obligations of NATO membership and to contribute to the Alliance's common-funded budgets and programs.

The NATO Alliance has been enormously successful over the last 50

years and will continue to do so for many to come. Too often some only see NATO as a coalition of nations organized for collective defense. It is so much more. NATO enhances the political and economic stability for all countries in the Euro-Atlantic area. By helping these new members as they strengthen good governance, rule of law, and human rights, NATO will also facilitate a better long-term environment for American trade and investment as well as collective defense and security.

In our war against terrorism, NATO serves a vital role. Strengthening the Alliance for this purpose is a positive development. From the conflicts in the Balkans, the war in Afghanistan or the most recent Operation Iraqi Freedom, the seven invitee nations have contributed, or have committed to contribute, critical support in the form of personnel, overflight or basing rights.

As a matter of fact, in this most recent war with Iraq, we received greater support from these seven countries than some of our more historical European allies. The value of loyal allies committed to democracy and making the world free from tyranny, regardless of any business dealings, cannot be understated.

These seven countries are committed to eliminating and addressing past wrongs. Whether it is the atrocities performed during the Second World War and the Holocaust to the proliferation of military weaponry known as Grey Arms, each of these countries has recognized the issues and is committed to correcting the wrongs done.

Expansion of NATO is not a new or unusual event. Throughout its tenure, NATO has continually added new members. Turkey and Greece were the first new members to join in 1952, followed soon after by Germany, in 1955. Spain entered in 1982 and the first former Warsaw Pact countries, Czech Republic, Hungary and Poland joined in 1999.

It is also likely there will be another round of expansion, inviting such countries as Albania, Croatia and Macedonia. President Bush has espoused an "open door" policy to NATO membership.

Today the door should not be held open for some and kept shut for others. The defined membership criteria encourages all that satisfy these requirements will be welcomed.

NATO expansion will serve U.S. interests by strengthening both NATO and our bilateral ties with these new allies, who have already done a great deal to support our vision for NATO and collective security.

I do have concerns regarding NATO and its future viability. We need to take a long look at the arbitrary and politically motivated, but indefensible use of the "consensus rule" NATO employs, and those nations who try to manipulate the path to peace for less than honorable purposes.

I understand my good friend from Virginia, Senator WARNER, and Senator

LEVIN will offer an amendment related to the "consensus rule." I think the amendment is a good idea and deserves the support of this body.

Finally, the path to peace is broad enough to allow all those who wish to traverse it in good company. We should welcome them with open arms.

Mr. BROWNBACK. Mr. President, I have enjoyed watching this debate with my colleagues on the topic of expanding the North Atlantic Alliance. This new round of expansion is one of the most significant events in the alliance's history and will have a profound impact on Trans-Atlantic relations for a long time. The message I bring and I think my colleagues bring is that the North Atlantic Treaty Organization, NATO, is still vital to our security and expansion will make it all the more stronger. Seven countries, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, have made bids to join NATO.

This debate has evolved in such a way as to recognize the strengths and weaknesses of the alliance in a sober way. The hyperbolic debate over burden-sharing and the contributions of some our allies, whether material or physical, has gone by the way-side with this new round of expansion. The contributions of alliance members is no less important—in fact, it is a central tenet to the success of the alliance. Rather, by inviting these seven new members, we have focussed more attention on how better to integrate, and give opportunity and prominence to those states that wish to contribute more to the collective security of the alliance.

At a hearing the Foreign Relations Committee held on the first of April, one of the witnesses, Bruce Jackson of the Project on Transitional Democracies made several excellent points about these new candidates, one of which I should emphasize for the sake of my colleagues who were not present.

I will revert to the question of contributions and military power. Many critics have focussed on the current capabilities and potential contributions of these seven countries and questioned whether and what they will bring to the alliance. Mr. Jackson pointed to the fact that when West Germany was invited to join NATO, it had neither an army nor a defense budget.

By contrast, the Baltic states have taken it upon themselves to orchestrate regional security agreements and contribute a rational portion of their budgets to national defense. The Balkan countries joining the alliance, Romania and Bulgaria, have militaries that can be immediately utilized for NATO operations. In fact, all of the seven countries, have themselves contributed to NATO missions in Europe, to Operation Enduring Freedom, OEF, in Afghanistan and Operation Iraqi Freedom, OIF.

Romania pulled together 100 of its personnel for SFOR in Bosnia, contributed 200 to KFOR in Kosovo. Romania

committed itself and contributed substantially to our efforts during Operation Enduring Freedom, OEF, and the International Security Assistance Force, ISAF. For OEF, they sent a 400-person battalion to serve in Kandahar. For ISAF, they sent a military police platoon to Kabul to support securing the Afghan capital. In support for the security and revitalization of a post-conflict Afghanistan, Romania air-lifted arms and munitions to be used by a newly reconstituted Afghan National Army. In Iraq, Romania has sent a WMD unit to assist in force protection and have committed to providing peacekeepers and police to assist in the security of that country.

In 1997, during the debate to enlarge NATO for the Czech Republic, Poland and Hungary, the emphasis was and for President Bush especially, still is a unified and free Europe. Our mission then was to stand beside these democracies and direct them to a bright future of freedom, democracy and prosperity.

The assumption of all the states woven into the North Atlantic Treaty is a common set of values among its members. These values, democracy and free markets, are the values in which this collective security agreement is defending. Ensclosed in the treaty signed on April 4, 1949 were the shared values of democracy, individual liberty, the rule of law, the peaceful resolution of territorial disputes, civilian control of the military, and central to the treaty's purpose, commitment to the stability and well-being of the countries party to the treaty.

I have in my hands a copy of the Atlantic Charter, a document that very much predates the North Atlantic Alliance and was penned during the dark days of World War II by British Prime Minister Winston Churchill and US President Franklin Roosevelt. This document espoused the foundations on which NATO was born—liberty, self-determination, perpetuation of prosperity and collective security.

Though not the axiom which keeps the alliance glued together, it is difficult to ignore that, as much as the territory, it is those principles that the alliance is fighting to protect.

Here in this building we should think proud of our institutions and their triumph on the world's stage. Not for the hubris at the moment of victory, but for the better tomorrow which all our new European friends will enjoy after the half-century of abandonment behind the Berlin Wall.

Our commitment should never waiver and our continuing mission should remain clear in our minds. We should have enough charity in our hearts to realize the world around us that does not enjoy the freedom we do, and be willing to push the borders of liberty beyond the comfortable world in which we occupy. Seven countries are now eagerly awaiting the advice and consent of this body.

I ask unanimous consent to print the following document in the RECORD.

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

THE ATLANTIC CHARTER

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

Franklin D. Roosevelt

Winston S. Churchill

Source: Samuel Rosenman, ed., *Public Papers and Addresses of Franklin D. Roosevelt*, vol. 10 (1938-1950), 314.

Mr. ROBERTS. Mr. President, I ask unanimous consent that a copy of a letter dated May 7, 2003, be printed in the RECORD in regard to the NATO enlargement protocol.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 7, 2003.

Hon. BILL FRIST,

Hon. TOM DASCHLE,

U.S. Senate,

Washington, DC.

DEAR LEADER FRIST AND MINORITY LEADER DASCHLE: As the full Senate prepares to take up consideration for modifications to the North Atlantic Treaty in order to accommodate new members in the North Atlantic Treaty Organization (NATO) Alliance, we feel that it is fitting to make a number of

observations concerning this important step forward in trans-Atlantic relations.

We wish to express our satisfaction with those portions of the draft resolution of ratification now before the Senate which preserve intelligence equities.

Draft Condition (3) has two parts. Subsection (A) would require the President to submit a report, by January 1, 2004, to the Congress intelligence committees on the progress of the indicted accession countries in satisfying the security sector and security vetting requirements for NATO membership. We feel that this report is essential. Fitness for NATO membership is a function not only of adequate general security procedures, but also of the strength of national structures ostensibly in place to ensure effective political control over the activity of security services. We suggest that the indicated report should cover the latter consideration as well as the former.

Subsection (B) of draft Condition (3) would require the President to report, by January 1, 2004, to the Congressional intelligence committees on the protection of intelligence sources and methods by accession countries. The report would identify the latest procedures and requirements established by accession countries to protect intelligence sources and methods. The report would also include an assessment of how these countries' overall procedures and requirements for the protection of intelligence sources and methods compare with the same procedures and requirements of other NATO members.

As the Senate Select Committee on Intelligence observed during the last round of NATO expansion (see, Exec. Rpt. 105-14, 105th Congress, 2d Session, p. 56, 57, March 6, 1998), a number of factors should be taken into account to assess the reliability of accession countries to protect NATO sources and methods, namely: The strength of democratic reforms, with a focus on ministerial and legislative oversight of intelligence services and activities; the degree to which accession countries have succeeded in reforming their civilian and military intelligence services, including the ability of the services to hire and retain qualified Western-oriented officers, and the evolution of political and public support for these services; Russian intelligence objectives directed against these countries, including any disinformation campaigns designed to derail, retard, or taint their integration with the West; counterintelligence and other security activities being pursued by the accession countries and the adequacy of resources devoted to these efforts; and the work underway between the [accession countries] and NATO to ensure that security standards will be met by the time [they] join the Alliance.

The context for cooperation with NATO accession countries has changed drastically since 1998, given Operation Iraqi Freedom, Operation Enduring Freedom, and other events which have underscored the willingness of several accession countries to cooperate with their former adversaries in the West to fight terrorism and other critical threats. It is also apparent that democratic reforms among the NATO accession countries have taken strong root and are irreversible.

It is less clear that there has been similar progress in other areas identified by the Senate Select Committee on Intelligence in 1998 as critical indicators of likely performance, such as counter-intelligence and resistance to Russian attempts to influence policy. In short, security-related concerns about NATO expansion that concerned Senators in 1998 remain valid, although the atmosphere for lasting and positive change is vastly improved. We look forward to the Administration's report on these indicators.

On the whole, we feel that U.S. intelligence equities can be safeguarded with this new round of NATO enlargement. We look forward to continuing our work with the Administration during the accession process.

Sincerely,

PAT ROBERTS,
Chairman.

JOHN D. ROCKEFELLER IV,
Vice Chairman.

Mr. KYL. Mr. President, I rise in strong support of this resolution of ratification for the expansion of the North Atlantic Treaty Organization.

The accession to NATO of these seven new democracies—Estonia, Latvia, Lithuania, Slovakia, Romania, Bulgaria and Slovenia—is an historic event that will have far-reaching and, in my view, very beneficial consequences.

Just a dozen or so years ago, these countries were under the boot of Soviet domination and communist dictatorship. Against their will, they were arrayed against NATO as members of the now defunct Warsaw Pact. Today, they stand ready and willing to join forces with NATO, the organization that played such a major role in bringing freedom to their part of the world.

We are striking a blow for freedom here today. Millions of people in eastern Europe live free today because of the commitment, patience and firmness of America and her allies during the cold war. And through their accession to NATO, those millions will now be able to live in greater security, as well as take part in the noble pursuit of defending the liberty of others.

The expansion of NATO into eastern Europe will serve American interests in several ways. For starters, these seven nations, I believe, will help reinvigorate NATO's sense of purpose; which is, first and foremost, the defense of liberty.

With memories of tyranny so fresh in their minds, the people of these nations no doubt have a deep appreciation for the freedom that is sometimes take for granted in the West. Thus, they are apt to have fewer reservations than some of our other allies about confronting the aggression of those who are hostile to our way of life. This appreciation for freedom—and for those who helped them during the cold war—was unquestionably a factor in the strong support that each of these seven nations gave us in Operation Iraqi Freedom.

Most of the prospective members have very limited military capabilities, and we will certainly expect them to invest properly in their armed forces in the coming years. But many of these countries already possess excellent specialized capabilities, such as the Polish special forces who fought in Iraq or the Slovak WMD defense unit now serving in the Gulf. Over time, I am confident that each of these countries will find its own niche in NATO.

Expansion of the NATO alliance to these countries will also offer us the opportunity to diversify and reorder our basing arrangements—the need for which, I believe, has been dem-

onstrated by 9/11 and the runup to the Iraq War. In the future, it is clear that U.S. forces will need more flexibility—both geographic and political—than ever. It thus behooves us to review our basing structure in Europe with an eye toward relocating some—though certainly not all—of our forces.

NATO expansion serves that end. Many of the prospective members—Romania and Bulgaria in particular—are located closer to where U.S. forces are likely to see action in the future. Their governments are known to be actively interested in hosting U.S. forces. Polls indicate strong pro-American sentiment in these countries.

Mr. President, 65 years ago, Eastern Europe began a horrific descent into darkness with the deal that was struck at Munich. Yalta then solidified what was to be another 45 years of communist tyranny for these nations. Those tragic mistakes are being rectified here today, and we should be proud.

But make no mistake, the expansion of NATO is more than just a rearward-looking act of humanity. It is also a forward-looking act of statemanship that will serve U.S. interests well in the future.

Mr. SMITH. Mr. President, I rise today to express my full support for the Treaty on NATO Expansion. As chairman of the Senate Delegation to the NATO Parliamentary Assembly, I cannot underscore strongly enough the value of including these seven nations in the NATO Alliance. I applaud and support the administration's leadership on bringing NATO enlargement to the Senate.

These seven prospective member nations have made great strides in developing responsible democratic governments, free-market economies, civil society, and transparent and accountable armed forces. As their active support for the Global War on Terrorism and Operation Iraqi Freedom demonstrates, these nations share our values and are willing—and able—to help promote democracy and freedom around the world.

I believe that it is significant that each invitee has provided direct military support for the Global War on Terrorism, having contributed overflight rights, transit and basing privileges, military and police forces, medical units, or transport support to U.S.-led efforts. They have provided noteworthy support to the International Security Assistance Force, ISAF, in Afghanistan and NATO efforts to stabilize the Balkans. And, as has been mentioned many times today, these countries provided resounding support for U.S. policy on Iraq. I believe that these efforts merely herald the beginning of immense, enduring contributions to come from these nations.

As cochair of the Senate Baltic Freedom Caucus, I would be remiss to not express particularly ardent support for the accession of Estonia, Latvia and Lithuania to NATO. Through working

with groups like the Baltic American Freedom League, the U.S.-Baltic Foundation and the Joint Baltic American National Committee, I have first-hand knowledge of the large grassroots public support across the U.S. for inclusion of these noble nations in NATO. These organizations deserve recognition for their decades of work to help liberate and secure the future of the Baltics.

Mr. DODD. Mr. President, as you know, I had originally intended to offer an amendment to the pending resolution adding an additional declaration to the nine that were added during the Foreign Relations Committee's consideration of this matter. My amendment would have dealt with a topic already covered by the Warner-Levin amendment, namely the relevancy of the consensus rule by which the North Atlantic Council has historically carried out its decision making. Now that the Senate has adopted the Warner-Levin amendment by voice vote, I do not see any need to proceed with my amendment.

My amendment would not have answered the question of whether in fact the consensus rule is relevant now that the world has profoundly changed and the membership of the organization has greatly expanded. It would however have appropriately called upon the President to review this matter as we move forward to sign off on the accession of seven additional members to this important organization.

We all know that the latest round of NATO expansion—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia—will bring NATO membership up to 26 countries. And at least three more remain poised for admission in the coming years: Albania, Croatia, and Macedonia.

Let me be clear. I am all for offering NATO membership to any democracy that wants to join and can contribute to our common security. But I am wondering how all this expansion will affect the decision-making capabilities of NATO as an organization.

For more than 50 years, NATO decisionmaking has been based on consensus—every member state must agree on every important course of action. When 16 NATO countries all faced a common Soviet threat, achieving consensus on major issues was not much of a problem.

We may very soon—within a few years—have 29 members of NATO, from all across Central, Eastern and Southeastern Europe. That is almost double the number we had not too many years ago. The idea that the alliance's decisions will soon be dependent on the unanimous consent of so many diverse nations, seems to me, potentially a recipe for stalemate in NATO decisionmaking.

My personal view is that NATO should consider creating some form of "top-tier administrative council"—similar the U.N. Security Council—to prevent the diminution of NATO's power and effectiveness as a military alliance.

At last year's NATO summit in Prague, President Bush pressed for "the most significant reforms in NATO since 1949." He was mainly referring to the creation of a rapid reaction force to deal swiftly and effectively with new and emerging threats.

Last month, Under Secretary of State Marc Grossman reiterated this idea during his testimony before the Senate Armed Services Committee. He rightly pointed out that NATO needs to be "equipped with new capabilities and organized into highly ready land, air and sea forces able to carry out missions anywhere in the world."

Mr. Grossman was referring to the need for the creation of a "NATO Response Force" to handle serious global challenges, such as proliferation and terrorism. I agree with him that such a force would be beneficial. But I also believe that is only half of the story. It seems to be stating the obvious that each addition to NATO will logically affect in some way the organization, mission, and effectiveness of this proposed rapid response force.

Just as I agree that NATO needs to tailor itself to future global challenges by standing up a NATO Response Force, I can foresee scenarios in which quick and decisive action will be needed in a very short amount of time—perhaps days.

I think it is reasonable to ask whether it will always be necessary or desirable for all 26, or 29, members of NATO to be involved in every aspect of the deployment of this force?

If the answer to that question is no, then shouldn't we at least ask the U.S. administration to study the question of whether NATO should consider a more streamlined decisionmaking structure for NATO to take into account both NATO's new missions, and the alliance's ever-expanding membership. The Levin-Warner amendment should allow a serious review and discussion of that issue.

As I have stated earlier, I am a strong supporter of the pending Protocol approving the new members to NATO. We all want a strong and vibrant NATO. I believe that the resolution of ratification, with the declarations and conditions that have been appended by the Senate will help to make that possible.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 535

Mr. WARNER. Mr. President, parliamentary inquiry: It is my understanding that it is appropriate at this time to proceed to the Warner-Levin-Roberts-Sessions amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS, proposes an amendment numbered 535.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To propose an additional declaration)

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO "consensus rule"; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

Mr. WARNER. Mr. President, I, first, wish to thank the distinguished managers, my two colleagues and friends, with whom my friend and partner for 25 years, Senator LEVIN, and I have had the privilege of working these many years, over a quarter of a century in the Senate. We have, I think, reached a common understanding that I will proceed for several minutes, followed by my colleague from Michigan, and in such time the two managers will address their perspective on this particular amendment. I think they are generally in support; however, I shall let the managers speak for themselves.

Mr. President, I rise today to express my support for the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. The Protocols that we are considering today would allow those seven nations to become full members of the NATO alliance.

My colleagues may recall that, in 1998, I did not vote in favor of the expansion of NATO to include Poland, Hungary and the Czech Republic. My opposition at that time was not di-

rected at those three countries. Rather, I was concerned with the broader question of how the expansion of NATO to include newly democratizing countries of Central and Eastern Europe would affect NATO's future missions and its effectiveness as a military alliance.

NATO's success in integrating the new members admitted in 1999, and NATO's commitment to enhancing its defense capabilities and those of its prospective new members, have helped persuade me to support the enlargement of NATO today. But I remain concerned that NATO's enlargement by seven additional nations—the largest enlargement in Alliance history—could have dramatic implications for NATO's ability to function as an effective military organization.

Today, the threats to NATO member nations come from within and without NATO's periphery. Because of NATO's success, there is no Soviet Union or Warsaw Pact. The threats—such as terrorism and the proliferation of weapons of mass destruction—are transnational in nature, and they emanate from regions outside of Europe. This was recognized in the Strategic Concept NATO adopted 1999, which envisioned NATO "out of area" operations to address new threats. To remain a viable military alliance, NATO must have both the military capability and the political will to respond to the new threats. NATO's recent decision to assume the lead of the International Security Assistance Force in Afghanistan, and its willingness to consider supporting a stabilization force in Iraq, are welcome examples of new NATO missions appropriate to today's threats.

The Senate Armed Services Committee has a long tradition of strong support for the NATO alliance, and has played an important role in the Senate's consideration of the North Atlantic Treaty and its subsequent amendments. In March and April 2003, the committee conducted two hearings on the future of NATO and on NATO enlargement. The Administration witnesses at these hearings unanimously supported ratification of the NATO enlargement Protocols.

One of the issues the committee examined in its NATO hearings was whether the prospective new members would enhance the military effectiveness of the alliance, and how their membership would affect the capabilities gap that currently exists between the United States and many other members of NATO.

The witnesses who appeared before our committee testified that NATO was taking concerted efforts to address the ongoing problem of a capabilities and technology gap. They noted the decisions taken by NATO's leaders at the Prague Summit in November, 2002, to launch the Prague Capabilities Commitment and to create a NATO Response Force. Through the Prague Capabilities Commitment, NATO members agreed to spend smarter, pool

their resources and pursue “niche” specializations such as lift capability, or precision-guided munitions. The NATO response force is envisioned to be a highly ready, rapid reaction force of approximately 25,000 troops with land, sea and air capability, deployable on short notice and able to carry out missions anywhere in the world. The response force will reinforce the need for individual alliance members to develop and contribute unique capabilities to this new force.

Regarding the military capabilities of the prospective new members, I was impressed that each of them is similarly being encouraged to focus on specific “niche” capabilities where they can achieve a high level of expertise and procure high quality equipment to make a substantial contribution to NATO’s military capabilities overall. Some of the invitees already possess specialized capabilities that have served the alliance in the Balkan operations and in the global war on terrorism, including: special forces, nuclear, biological, and chemical defense, mountain fighting, and demining.

Equally persuasive was the testimony of our witnesses regarding the contributions of the nations admitted to NATO in 1989. Poland, Hungary, and the Czech Republic have proved to be steadfast allies and active force contributors to NATO operations in the Balkans, and in the war against terrorism.

Mr. President, historically, I was among those who objected to the last enlargement of NATO. At this time, I very carefully considered the proposal by our distinguished President, President Bush, and other world leaders, that the time has come for new members to be brought in. I commend the Secretary of State and the Secretary of Defense for the careful procedures that led up to the nominations of these new countries to come into the membership of NATO.

I am privileged to be on the floor now and to cast my vote in favor of these protocols which will enable the seven countries to become members of NATO in due course.

I have to say, I still have some of the concerns I had last time because NATO is such a magnificent organization. Over half a century it has proven its worth time and time again. The Warsaw Pact does not exist, the threats from the Soviet Union do not exist, largely because of the wisdom incorporated in this treaty, and the combination of the military commitments and the political will of the North Atlantic Treaty Alliance members over the years to have that alliance stand there as a deterrent. It has worked, and it has worked well.

We cannot foresee the future and, therefore, we must be flexible because worldwide threats have gone through such a major transformation, from major nation-state-sponsored threats to worldwide terrorism, so much of it non-state sponsored. For that reason I

want to support the admission of these new nations.

Further, while so many of these newly democratic nations do not bring a large army, large navy, or a large air force, in due course their “niche” military capabilities will add a very valuable dimension to NATO’s ever expanding responsibilities.

NATO is participating actively in Afghanistan, and contemplating participating actively in Iraq in peacekeeping and support roles. I shall not discuss this in detail. Nevertheless, that is a tribute to Lord Robertson and others who have recognized that the threat to NATO nations comes from beyond their periphery now, but could be brought within their periphery at any time by the threat of worldwide terrorism. Those are the reasons I support NATO’s participation in “out of area” operations in Afghanistan and post-conflict Iraq.

I remember the words of Ben Franklin as he emerged from the Constitutional Convention and a reporter stopped and asked him: Mr. FRANKLIN: What have you wrought? And his reply was very simple: A republic, if you can keep it.

There is a challenge to these NATO nations, soon to be 26 in number. You have the heritage of this great treaty of over half a century, and the challenge is, can we keep it?

I think we can. I think we will. Within the current thinking on NATO, Senator LEVIN, I, and others have identified two issues that dominated our committee’s hearings on NATO: the so-called “consensus rule” by which NATO operates and the question of whether NATO should have a process for suspending the membership of a nation that is no longer committed to upholding NATO’s basic democratic principles.

With respect to the consensus rule, the recent divisive debate over planning for the defense of Turkey in the event of war with Iraq demonstrated that achieving consensus in NATO has become more difficult. How difficult will it be with 26 nations? A different manifestation of this problem occurred with respect to NATO operations in Kosovo when “command by committee” hampered NATO’s leaders’ ability to wage the most effective, rapidly responsive military campaign. Such difficulties in reaching consensus are occurring in part because respective NATO members have different views, as they should, about today’s threats and how best to respond to them. Achieving consensus is likely to become even more complex as NATO enlarges its membership. That is why I believe—and my colleagues join me on this—the consensus rule, and NATO’s operating procedures more generally, should be periodically reexamined to ensure that NATO has procedures that allow it to plan, reach decisions, and act in a timely fashion.

Regarding the issue of a suspension mechanism, some of our committee

members have expressed concern about the lack of a mechanism for suspending a NATO member if that nation no longer complies with the fundamental tenets of NATO—democracy, individual liberty, and the rule of law.

While it may well be true that NATO has ways other than suspension to deal with such a situation, it is prudent for NATO to consider the matter now, as a conceptual problem, and have some options in mind, rather than be confronted with a problem in the future, and be somewhat unprepared should it arise.

Given the tremendous interest of the Armed Services Committee in these two subjects, I, along with Senators LEVIN, ROBERTS, and SESSIONS, am offering an amendment to the resolution of ratification for these protocols that would urge the President—I repeat, urge the President—of the United States to raise these subjects for discussion in the North Atlantic Council at NATO, and request that a report on these subjects be provided to the relevant committees of the Congress.

I have consulted closely with administration officials, and negotiated the language in this amendment with administration officials way into last night, in order to receive their support, and they have no objections today. I hope we can achieve that because we have—Senator LEVIN and I, speaking for our group—have made some concessions in order to have this matter treated in such a way that the whole Senate can be supportive.

I conclude by saying, based on the hearings conducted by the Armed Services Committee and subsequent analysis, I am persuaded that the NATO enlargement protocols we are considering today will advance the national security interests of the United States and deserve the Senate’s support.

Lastly, on the assumption that NATO, I think very wisely, will take a role in Afghanistan, on the assumption again that NATO, again very wisely, will take a role in Iraq, which is a positive thing, I say this with respect to the coalition of forces: We will achieve the end result that is now unfolding in Afghanistan and Iraq. It is yet to be completed, but basically the desired result will have been achieved in Afghanistan and Iraq at some cost—with the bloodshed of Americans and other coalition partners, with enormous tax dollars. These are very significant contributions by the coalition of forces and this great United States of America.

I think it is a minimal suggestion that NATO consider changing its procedures for deciding to undertake such operations in the future to avoid the problems we have recently witnessed.

I urge my colleagues to support the amendment to the resolution of ratification I am proposing today, and to join me in giving our advice and consent to ratification of the protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia,

Lithuania, Romania, Slovakia, and Slovenia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank my good friend from Virginia for his great work on this resolution. We have worked together not just in the Senate for all of these years but on this particular issue we have worked together for a long time. I also thank the managers of this bill, not just for working with us on this matter but also for their work generally on a host of issues which they struggle with to try to make our Nation a lot more secure. They work together magnificently. They are both essential for this country's security and strength and wisdom, which we surely need in these complicated days.

Mr. WARNER. Mr. President, if the Senator will yield, I thank him for the reference to our long-term working relationship. The Senator has really taken the lead for over 5 or 6 years. We have worked on this issue for a very long time. It is not something that has just suddenly come to mind.

Mr. LEVIN. I thank my friend from Virginia.

First, I very much support the expansion of NATO to include these seven additional countries, just as I supported the expansion for the three that we approved a few years ago. I believe this expansion, like the last one, could lead to a safer, more united, more cohesive Europe and reduce the possibility that Europe would ever again be divided by war. I very much support the expansion.

I have been troubled by one issue for many years—actually a number of issues relative to NATO—that as we expand NATO, there is a greater likelihood, just statistically, that someday, some country is going to no longer live up to NATO's requirements that it be a democratic country with a free market. We hope that will never happen. We do not expect it to happen. But what happens, after these nations are added hopefully, if one day, one of the now 26 nations departs from the alliance's fundamental principles?

As it now stands, there is no mechanism in the charter to suspend a country that no longer complies with NATO's fundamental principles. It is an unusual alliance in that regard that does not have a suspension mechanism, but it does not. We could actually, theoretically, see a country become a dictatorship and stop 25 democracies from acting in their own self-defense or in defense of a secure world. That is an unusual provision. It is one that was consciously adopted, but it is one that as we add more countries to NATO we have to think about, it seems to me.

Our amendment is aimed at raising this issue. We do not direct that there be a solution to the problem. We simply believe that NATO countries, as NATO expands, should address the issue of a country in the future pos-

sibly departing from the fundamental principles that guide NATO.

What happens, for instance, if one country becomes a dictatorship? That dictatorship could veto a decision that all the other NATO member nations wanted to take, perhaps to come to the aid of a people who were being ethnically cleansed on a scale perhaps approaching what happened in the genocide that occurred in Kosovo, or worse. That issue, as well as the consensus issue Chairman WARNER has raised, should be raised at NATO. They should discuss it. They should decide whether or not they want to proceed on the current course.

Again, I emphasize that our amendment, while expressing the sense of the Senate that the administration raised this issue at the North Atlantic Council, does not in any way indicate what the outcome of that discussion would be, nor, indeed, does it in any way suggest what the position of the United States should be during those deliberations. We simply want the issue of suspension and consensus and the other issues referred to in our resolution discussed at the highest level at NATO—just discussed.

There is a question raised: Is this aimed at any particular country? It is not. It is explicitly not aimed at any one of the 26 countries. We made it clear we amended our language to make it clear this would take effect 18 months after the resolution is adopted. We expect by then all the new countries will have been in long enough so there will be no sensitivity about that issue.

We also make it clear this is not a condition in any way on the ratification of the NATO documents. It is drafted as a declaration of the intent of the Senate rather than as a condition of any type. That is, in essence, what we do.

A final discussion item that is listed in the resolution would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. We believe this is essential because this refers to the actual conduct of military operations—not to the approval to conduct it but it seeks to address the problems that were experienced in the conduct of NATO operations in Kosovo where it was reported that General Wesley Clark, the then NATO commander, was restricted in his actions by a number of NATO countries that wanted to review each day's bombing targets. The planning should be allowed to proceed in advance in the event that the North Atlantic Council approves the operation. This simply would expedite and streamline the planning of military operations.

Our amendment is not intended to interfere with the passage of our resolution of ratification. It would not cause any delay in the ascension of the seven new members into the NATO alliance. Again, it merely seeks to cause the alliance to consider some issues

that could pose problems in the future, if not addressed in a calm, careful, and measured way before a crisis occurs.

Discussion and report is what we are asking the administration to participate in and to initiate—again, not declaring what the position of this administration or any future administration will be and not in any way suggesting the outcome of those deliberations and discussions. It is a matter of prudence that this issue, which would have such huge ramifications down the road as to whether or not NATO can act, should be discussed in advance, whatever the outcome of that discussion.

I thank Senators LUGAR and BIDEN for working with us in a way so we now believe this matter can be resolved and adopted.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Delaware.

Mr. BIDEN. I will respond briefly. Anyone who is a C-SPAN watcher will be a bit confused. We have Senator WARNER talking about his 25-year relationship with Senator LEVIN and I am about to talk about my 28-year relationship with my friend, Senator LUGAR. This is proof there is bipartisanship in this operation. We have a Democrat and a Republican opposing a Democrat and Republican on the principle here but not on whether or not this should be included and considered.

This is basically a procedural judgment we are making. I have a few points notwithstanding the very well intended effort on the part of Senator LEVIN who has, for a number of years, been concerned about this issue and is concerned that, as he said, who knows, maybe some day we will end up with one of these member states no longer being a democracy. It is possible.

What do we do? Let me suggest what Secretary Powell said before our committee when there was consideration, not by Senator LEVIN or Senator WARNER, but there was discussion about having a condition attached to this treaty—which is not the case now. He said:

NATO is not a committee; it's not a council; it is not a group. It is an alliance. When you call something an alliance, I think it means that everybody has to be together for the alliance to take action.

I am skipping ahead to make this short. Secretary-General Lord Robertson told the members of the Foreign Relations Committee:

Even when times have been difficult, NATO has never failed to get consensus or to find a way to work around the problem. No country has ever used its national veto.

As Secretary General Lord Robertson also said, "NATO is an infinitely adaptable organization" and has proven itself equal to all organizational challenges.

Let me be more precise. When France pulled out of NATO's integrated command in 1967, the alliance decided it had a problem. Ordinarily, that would be enough to cripple NATO because it

would effectively veto everything. What did we do? Then NATO came up with a Defense Planning Committee, the so-called DPC, which for years has done the bulk of NATO's work. When France refused to go along on the Turkey article 4 request last winter, saying the decision in the NAC would be counterproductive to diplomatic discussions of the United Nations, what did we do? We went over to the DPC effortlessly. We did not have a great crisis in NATO.

If that had not worked, Lord Robertson could have ordered the SACEUR to make the Patriots and AWACs available to Turkey, or he could have done what former Secretary General Luns once did. He could have simply declared his own decision was final unless there was unanimous opposition.

I will not take more time, although there is much more to say. The reason I bring these things up, we have, in fact, dealt with very difficult crises in NATO, including member states not meeting the criteria of a democratic free market, respecting human rights, et cetera. We have had different countries who have been the odd man out on different occasions. Every time, instead of having to go through the process of a period of expulsion, we were able to weather the storm by dealing with it through other mechanisms.

Here is the larger point I wish to make. I do not want to take too much time, but it is a very important point to make, in my view.

Especially troubling is the opinion of Lord Robertson that alternatives to the consensus principle would create more problems than they are intended to solve.

Majority rule or a UN Security Council-type system would send members scurrying for votes in support of their positions, merely delaying action and reinforcing divisions among allies.

The consensus rule is a fundamental part of NATO, an essential second element in the article 5 defense clause of NATO, requiring that any NATO action taken as a result of an attack on a NATO member be decided by consensus.

My colleagues should note that this Article was crafted back in 1949, on American insistence, to prevent the U.S. from being pulled into wars by European countries.

As Lord Robertson asked us, "does the U.S. now really want to open the door to the possibility of being dragged into a war it does not want to participate in?"

I might quote from a thoughtful letter to Senator LUGAR and myself written by Bruce Jackson, president of the U.S. Committee on NATO:

At present, the United States is the only country that can consistently produce unanimous outcomes at the level of the North Atlantic Council or, failing in that, at the Defense Planning Committee. The process of achieving unanimity is uniquely and, perhaps intentionally, to the advantage of the United States.

The countries whose ratification is before the Senate are aghast that the Senate might consider weakening U.S. leadership in NATO, which is the aspect of NATO they most ad-

mire, just as their democracies reach the threshold of membership. We share their concern.

Five years ago when this was brought up in the last expansion, I said, "Why would we indulge in unilateral disarmament and give up our veto over a NATO decision?"

People wondered later, and asked me: What are you talking about? How is this giving up any veto?

With regard to the mechanism to suspend a member that strays from NATO's principles, that too is unnecessary. Here are two examples: During the authoritarian rule of the Greek colonels from 1967 to 1973, Greece was frozen out of the key NATO decisions. When it appeared Portugal might go Communist in the summer of 1975, it, too, was frozen out.

There would also be the temptation to play domestic politics with a suspension mechanism.

We would not want NATO to be torn apart the way the European Union was three years ago when other countries isolated Austria because Mr. Haider's distasteful party had joined the governing coalition after a free election.

For example one might envision a future scenario in which Turkey were threatened with military attack and some members would argue that Ankara's imperfect human rights record obviated the obligation of the NATO allies to honor their Article 5 commitments.

This isn't far-fetched. In January 1991, Mr. Lambsdorff, then the leader of the Free Democrats in Germany's Bundestag, voiced similar sentiments.

The reality is that once a suspension clause was introduced into the North Atlantic Treaty no country could fully rely upon Article 5.

Lord Robertson's summary judgment on creating a suspension mechanism speaks volumes:

The worst possible thing would be to legislate in advance for all possible occasions and then be locked in.

Our debate will be watched closely in the seven invited countries and throughout the rest of Europe. Attaching this declaration to the Senate's ratification would send an unsettling message through the Alliance.

Lord Robertson gave us his bottom-line on Monday:

Putting these issues on the agenda of the NAC would be "deeply unhelpful" to him and would "open a can of worms."

The bottom line here, Madam President, is that I really think we should understand what is intended. The objective here to get NATO itself to adopt such a rule would be the single most serious thing we could do to U.S. leadership and U.S. de facto control of NATO.

I urge my colleagues to vote down this amendment, which is both unnecessary and potentially disruptive to NATO as it is about to welcome seven new members.

I thank my friend from Michigan and my friend from Virginia for being willing not to go with the original resolution they had, and seek this report from NATO within 18 months after the

request being submitted by the Secretary of State. I think that is a more prudent way to proceed. But I hope when that is done, the NATO membership will uniformly reject any change in the process. But again I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I agree with the analysis of history given by my colleague, the distinguished Senator from Delaware, with regard to the basic exclusion—or rather consensus and exclusion argument we are having today. He states correctly this arose the last time we discussed NATO accession. It is an important argument that has been propounded by the distinguished Senator from Michigan, the distinguished Senator from Virginia, and others. I simply rise to say the substance of the issue is different from the procedure. In this amendment offered by the distinguished Senators, we are discussing an amendment that says:

It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO "consensus rule"; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with NATO's principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

The amendment also calls for reports on the points of view raised by our Government and, likewise, its fulfillment, with the gist of this amendment.

At the time we had Secretary Powell before the Foreign Relations Committee in one of the five hearings the committee has conducted on NATO, we requested his view on the subject of consensus and expulsion. In fact, I requested a letter from Secretary Powell, which he sent to me, and made clear as a matter of principle NATO's decision-making process in his judgment works well and serves the United States interests.

The Secretary affirmed that for 50 years, from the cold war to Kosovo and now Afghanistan, NATO has been able to reach consensus on critical decisions. NATO is an alliance, and no NATO member, including the United States, would agree to allow alliance decisions to be made on defense commitments without its agreement.

Regarding the suspension mechanism, the Secretary said NATO has been able to deal successfully with the rare cases in the past of problem countries, and NATO has dealt effectively with Allies that have experienced regimes that did not support NATO's democratic principles by isolating them or excluding them from sensitive discussions—just as the Senator from Delaware has illustrated.

I would add that when, at Senator LEVIN's request, these issues were raised by Ambassador Burns in an informal discussion within the alliance, there was no support from other members for creating a suspension mechanism or for changing the consensus rule.

Essentially, the administration preference, when we asked them with regard to this idea, is that these issues not be addressed in the resolution of ratification and certainly that they not be termed as a condition. The authors of the amendment today have not done so. This is not a condition. Therefore, there is not an argument with the administration.

The Secretary believes the questions are worthy of further study, and so do I. My own view, having listened to the testimony by Secretary Powell and then as Senator BIDEN suggested more recently, a visit in the Foreign Relations Committee with Secretary General Robertson of NATO and with our Ambassador, Nick Burns, is that essentially, as the Secretary's letter has pointed out, the decisionmaking process has worked well, has served the United States interests. As Senator BIDEN pointed out, as you look into the fine print, it might not serve our interests so well if in fact our effective veto was terminated.

Having said all of that, none of us has wisdom that is all encompassing on these issues. Times change. Senator LEVIN in his comments has cited some reasons and these are important to consider.

Therefore, I come out in this discussion on the side of thought that within 18 months the United States ought to think through these arguments, ought to put them on the agenda of the North Atlantic Treaty Council for discussion. In 18 months the world may have changed a lot. Even if a discussion of them in recent months led to apparently universally negative views of our NATO allies, plus apparently a negative viewpoint of our own Secretary of State, it is conceivable that on further study, intensive study in this area, there may be some other constructive results.

I say this because I respect very deeply the distinguished chairman and ranking member of the Armed Services Committee. They, too, held hearings, as I cited in my opening statement, on the NATO accession issue. They are intensely interested, as we are in the Foreign Relations Committee, and as all Members of this body are, in what is in the best interests of our country, in our military alliances, in the prosecution of peace, in those horrible instances, and in the prosecution of war.

These are serious issues, and this is perhaps an appropriate time as the body is focused on NATO to, once again, say these are discussions that have to take place from time to time. We in the United States ought to suggest that our Secretary of State take that initiative.

For these reasons, I am going to support the amendment. I hope that, as a matter of fact, it will receive a unanimous verdict of support today on the procedural issues and issues that are out there, even if all of us have fairly strong views on the substance—and that would include the administration as well as colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I rise in support of the Warner/Levin/Roberts amendment to the resolution of ratification on NATO Enlargement.

Before I talk about our amendment, I want to take a few moments to express my strong support for the enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

A significant aspect of any enlargement of the Alliance to the United States, of course, is that it would represent a commitment by the United States to treat an armed attack on any of these seven nations as an armed attack on the United States. In 1998, when the Senate was considering the enlargement of NATO to include Poland, Hungary and the Czech Republic, the attitude of Russia to the inclusion of former members of the Warsaw Pact was a factor which was part of the debate. Such enlargement was not intended to be threatening and, appropriately, it was not perceived as a threat by Russia, which wanted to establish a constructive relationship with the United States and the other members of NATO. As a matter of fact, Russia's decision on that matter was so clear that its position relative to NATO membership for former Soviet Republics Latvia, Lithuania and Estonia is not even an issue today.

One issue that I have wrestled with in 1998 and before was my belief that NATO should have a mechanism to suspend the membership of a NATO member, if that member no longer complies with the Alliance's fundamental principles of democracy, individual liberty and the rule of law. In the Armed Services Committee hearings that preceded the 1998 Senate floor action, I put the issue to former Secretary of State Henry Kissinger who said in part that "I think in situations in which a government emerges incompatible with the common purpose of the Alliance, there ought to be some method, maybe along the lines you put forward." I also raised the issue with former Secretary of Defense William Perry who said in part that "What you are describing is a problem—in fact, I would call it a flaw—in the original NATO structure, the NATO agreements. And, in my judgment, this is a problem which should be addressed."

I had a colloquy with the then Chairman of the Foreign Relations Committee, Senator BIDEN, who said in part that "I agree with the Senator from Michigan that this is an important matter that raises fundamental issues for the United States and our allies. I

believe that this is a matter that merits careful consideration within NATO councils. It would certainly be preferable for NATO to discuss this in a careful and measured way now, rather than be faced with the issue at some future time when an emergency situation exists."

That careful and measured consideration, however, has not been undertaken within NATO councils in the intervening years.

Just as I supported enlargement of the Alliance to a total of nineteen nations in 1998, so I support enlargement of the Alliance today to a total of 26. But I am mindful that the sheer number of nations that will soon make up the alliance increases the chance that one of them may some day depart from the alliance's fundamental principles. Having said that, I want to be perfectly clear—our amendment is not aimed at any of the seven nations whose accession is before us today—it is not aimed at the three most recent NATO member nations—it is not aimed at any of the long-term NATO member nations—and it is not aimed at any potential future NATO member nation—it is not aimed at any nation.

It is aimed at the possibility that a NATO member nation that, for example, was no longer democratic and was ruled by a dictator, would be in a position to veto a decision that all of the other NATO member nations wanted to take—perhaps to come to the aid of a people who were being "ethnically cleansed" on a scale that was approaching genocide such as happened in Kosovo. I believe that the United States should put the issue of whether a process should be established to suspend—suspend, not expel—such a member nation so that it would not endanger NATO's decision making when all but an undemocratic member nation wants to act.

The growth in the number of NATO member nations to 26 also increases, under the laws of mathematics, the potential that one NATO member nation, even a nation that conforms to the alliance's fundamental principles, could prevent the alliance from making a decision where all other countries want to act. The recent experience, wherein France prevented the North Atlantic Council from authorizing planning for the defense of Turkey to proceed and the Alliance had to go to the Defense Planning Council for that authorization, is a real-world example that demonstrates the need for the alliance to reconsider whether the consensus rule for NATO decisions should be changed.

I want to emphasize very strongly at this point that our amendment doesn't mandate a particular outcome to the discussion of these issues by the North Atlantic Council. It doesn't prejudice the result of the discussion and it doesn't require the U.S. representative

to take a particular position in the discussion. It merely seeks to have the issues placed on the North Atlantic Council's agenda, discussed in the council, and the results of that discussion be reported back to the U.S. Senate.

Our amendment would require the President's report to discuss two other matters. The first would be methods to provide more flexibility to NATO's Supreme Allied Commander, Europe, who is presently U.S. General Jim Jones, to plan potential contingency operations before the formal approval of such operations by the North Atlantic Council. In the instance that I mentioned, wherein France blocked the planning for Turkey's defense, it would have been very useful if NATO's military planning staff could have been preparing contingency plans so that they would have been immediately available once the civilian decision-makers had approved the defense of Turkey.

A final discussion item would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. This refers to the actual conduct of the operation—not to the approval to conduct it—and seeks to address the problems that were experienced in the conduct of the NATO operations in Kosovo where it is reported that General Wes Clark, the then-NATO Commander, was restricted in his actions as a number of NATO capitals insisted on reviewing and approving each day's bombing targets.

This amendment does not interfere with the passage of the resolution of ratification. It does not cause any delay in the accession of the seven new members into the NATO Alliance. It merely seeks to cause the Alliance to consider some issues that could pose serious problems in the future if not addressed in a calm, careful and measured way before a crisis occurs.

I ask unanimous consent that the discussion between myself and former Secretary of Defense Perry be printed in the RECORD.

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

COMMITTEE ON ARMED SERVICES, U.S. SENATE
HEARING TO RECEIVE TESTIMONY ON ISSUES RELATED TO NATO ENLARGEMENT—THURSDAY, MARCH 19, 1998, WASHINGTON, DC

We went into Bosnia, I understand, for legitimate reasons, I think. But, still, it is not what NATO was invented for, which was to reassure the Western Europeans that they would not be attacked by the Russians. And if they were attacked by the Russians, the United States would come to their defense.

And I do not think the operation in Bosnia qualifies to that standard. Which does not mean I am against it, but, still, I do not think you can square it with the original Treaty.

Chairman THURMOND. My time is up.

Senator LEVIN.

Senator LEVIN. Thank you, Mr. Chairman.

Ms. Eisenhower, your sensitivity to the impact of this on our relationship with Russia, it seems to me, is correct, in terms of being aware of it. We should worry about it. We should consider it.

I reach a different conclusion than you do, but it is not politically incorrect to factor into the deliberation what the impact on that relationship is. I reach a different conclusion than you do for a number of reasons. And, by the way, I, too, have talked to dozens of parliamentarians in Russia, both here and in Moscow, as well as their leadership, their minister of Defense, their Foreign Minister, and so forth.

And I have heard their words. I have also seen their actions, including the following actions: They entered into a Founding Act with NATO after the decision to expand NATO was made. And they have remained a member of that relationship. And that Founding Act says—and this is between NATO, after the announced expansion, and Russia—that Founding Act reaffirms the determination of the parties, NATO and Russia, to give concrete substance to our shared commitment to a stable, peaceful and undivided Europe.

So one of the actions which they have taken is to both join a Founding Act with NATO after the announced expansion, and to remain a member of that Founding Act. Secondly, recently the Partnership for Peace was expanded. A more active participation was recently agreed to by Russia with NATO. So we have a more active participation in NATO's Partnership for Peace recently, after the actual decision to have three additional countries join NATO.

Next, recently, their Prime Minister, Mr. Chernomyrdin, publicly pledged, after meeting with our Vice President, that the Russian Government will push hard for the Duma's ratification of START II. This came within the last few weeks.

We have heard—and I have heard from parliamentarians—that the expansion of NATO will hurt the chances for ratification. We understand that. But, nonetheless, the action taken by the Prime Minister is that he is going to push hard for that ratification. And that is despite his clear awareness that NATO is, with great likelihood, going to be expanded and that this Senate will ratify that expansion. So we have that action taken on the part of Mr. Chernomyrdin.

We also have a recent—interestingly enough, we talked about public opinion polls in here—we have a recent public opinion poll by the Gallup people in Moscow, released last Saturday, revealing that 57 percent of the people in Moscow support the Czech Republic's bid to join NATO; 54 percent support Hungary's admission; 53 percent said Poland should be allowed to join NATO. And a quarter of those polled had no views on the subject.

Now, I do not know what their sample was and so forth, but, nonetheless, I am not so sure public opinion in Russia is so wholly as one-sided as you indicate. And, again, I have also had similar meetings, as you have had, with their parliamentarians.

On the other hand, it is a very important factor to consider. And I think we should all weigh that. We should not give Russia a veto. That would be a very bad mistake, but we surely should consider the impact of any expansion on our relationship with Russia, and on the effort to bring Russia into the democratic world and to keep them there, and to keep them into the free market world. It is a very important issue.

You have raised another issue, however, which I find—and I join with you in finding troubling. And that is the inability of NATO to suspend a member, to remove a member who no longer comports with NATO's principles of democracy and free market orientation, and a dedication to freedom. This could happen in the future. It could happen. And there is no mechanism inside of NATO to suspend a member. Every member has a

veto. And that could create a problem with your strategic vision. I think all of us hopefully view the world somewhat strategically. That could create a problem down the road.

And so I want to ask, Secretary Perry, about this issue. It is something which has troubled me. I do not want to try to condition the accession of these three new members on a suspension agreement, because that would raise a false implication that it has something to do with them—which it does not. It is a general issue that I think we have to face in NATO at some point, not related to these three particular countries, or any other particular country.

But what happens in the future if a member of NATO no longer comports to the principles of NATO in terms of commitment to democracy, freedom and free markets, and then has a veto on NATO operations? And my question, Mr. Perry, is this: Should we at some point raise within NATO, and satisfy ourselves, on the question of the suspension of a member at some point in the future and a mechanism to accomplish that end? That is my question.

Dr. PERRY. That is a very good question, Senator LEVIN. What you are describing is a problem—in fact, I would call it a few—in the original NATO structure, the NATO agreements. And, in my judgment, that is a problem which should be addressed. It has been a problem for many, many years. And therefore it is important, in addressing that problem, to separate it from the issue of NATO accession. I would not in any way want to tie that issue to the NATO accession issue.

We could have predicted several decades ago that that would cause a problem, that there would be some major issue come up on which we could not reach consensus, and that would bring NATO to a halt, or that some member would depart from the NATO values. Happily, that has not happened. But it is a potential problem, and I think we ought to address it.

Senator LEVIN. My time is up. I would appreciate, however, for the record, if you or any other member here—my time is up and the chairman here, I think, has got to stick to his 5-minute rule—but if you or any other panelist here would submit for the record your ideas on that subject, it would be very helpful to us.

Mr. LEVIN. I thank my friends, the managers of this resolution, for their tremendous work on NATO expansion and other issues.

Mr. SESSIONS. Madam President, since the original North Atlantic Treaty was signed in Washington in April 1949, the organization has expanded far beyond its original 12 members. The amendment to this treaty that I was proud to co-sponsor with my distinguished colleagues Senators WARNER, LEVIN, and ROBERTS acknowledges that we have had recent difficulty with the consensus decision making methodology currently in force within NATO.

Four more European nations later acceded to the Treaty between 1952 and 1982. In 1999, the Czech Republic, Hungary and Poland were welcomed and possibly tomorrow we will add Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia bringing the number to 26 members.

The following description of this consensus requirement is taken from the NATO web site, and it says:

In making their joint decision-making process dependent on consensus and common

consent, the members of the Alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

It stands to reason that with the addition of more members, that consensus will be increasingly difficult to achieve.

Our amendment simply asks that the President do two things: to examine the consensus requirement so that we ensure that we preserve our sovereign right to act in our own national interest; and, examine a procedure by which we can take action against a member who fails to comply with the shared values upon which NATO was founded.

Not everyone agrees with this request to have NATO address these two issues. I disagree.

The strength of the NATO Alliance is based upon adaptiveness. Our recent experience with the UN, NATO and other formations clearly shows we must address the changes we perceive in alliances.

Mr. LUGAR. Madam President, I know I speak for all members of the Foreign Relations Committee in commending the Armed Services Committee for this discussion of these issues, and, most importantly, the comity between the committee members and leadership. I think that is demonstrated in our debate today on a serious issue but to one which we have come to a good conclusion.

I know of no further debate. It would be a privilege if the Chair would put the issue to us.

The PRESIDING OFFICER. Is all time yielded?

Mr. LUGAR. All on the amendment.

Mr. LEVIN. I yield our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 535) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time to the Senator from Texas as she may require.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I was interested in the previous discussion because I think they were talking about going back to NATO to discuss some contingencies that might occur and how they would be addressed. That is the subject of my view on this issue.

I support the entrance of these new countries, but I think we need to take a step back and make sure NATO is going to remain the greatest defense alliance that the world has ever known.

In 1999, when the Senate voted to ratify the addition of Poland, the Czech

Republic, and Hungary, I said at the time that we needed to reassess the mutual threat to NATO nations to assure the strength of our alliance in that agreement.

Four years later, as we prepared for what became Operation Iraqi Freedom, we were disappointed, to say the least, to watch three NATO countries refuse to support the defense of our ally, Turkey. That was an initial signal that we have reached the point of stretching the alliance.

That Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are candidates for NATO is both a miracle and a testament to the effectiveness of NATO itself. They survived brutal totalitarian regimes during the cold war. Now they are free to fully join the world community as valued members of NATO.

But what is the state of the alliance they seek to join? The world has seen three NATO members refuse to support disarming Iraq. In the view of the United States, this was the same as the failure to come to the aid of a member country that has been attacked, a renunciation of our mutual agreement.

Now is the time to ask: What is the mission of NATO today? Is NATO going to protect the future or defend the past?

For NATO to remain relevant, we must agree on its fundamental mission. Our alliance should recognize that the concern threats of terrorism and the proliferation of weapons of mass destruction have replaced the common threat of Soviet imperialism. After the most recent break in our bonds, it is essential to establish a new mission to counter a new threat. NATO has always been unified around a common purpose, but if it becomes nothing more than a patchwork quilt, we will be wasting our money and endangering our own national security by continuing to pay its bills and diverting our attention.

Fifty-four years ago this month, the United States pledged to protect Europe from the Warsaw Pact. We were steadfast in our commitment. We based 300,000 troops in Europe continuously throughout the cold war and keep 119,000 troops there now. We have paid a quarter of NATO's costs, even though we are only one of 19 nations belonging to the alliance. Clearly, our commitment played a vital role in NATO's victory in the cold war.

After the cold war ended, we turned our attention to areas of the world that cried out for stability. We went to Somalia, Haiti and the Balkans, with varying degrees of success. We became central to peace negotiations in the Middle East. We focused more on our commitments abroad and less on our own national defense closer to home. All that changed on September 11, 2001, when terrorists and the countries supporting them tried to destroy the icons of democracy, capitalism and American power. Those attacks on our homeland marked the end of our policy of containment.

The global war we are fighting against terrorism and our forceful disarming of Iraq has forged new alliances unthinkable before September 11. Our relationship with Pakistan in the war on terrorism and Operation Enduring Freedom in Afghanistan is one example of this dynamic shift. But the war on terrorism has strained other longstanding, traditional alliances.

Many of our friends in Europe do not comprehend the impact September 11 had on America. They viewed what happened within our borders from arm's length, not acknowledging it as an attack on our country that required a firm response. This disconnect has caused a rift among NATO allies that would have been unthinkable before September 11. That split was manifested in the refusal to help disarm Iraq.

As we prepared for Operation Iraqi Freedom, our long-time allies, France, Germany and Belgium, countries we have been committed to defend from attack for over half a century, opposed us at every turn. Even today, they are thwarting the rebuilding of Iraq by refusing to lift the U.N.-imposed sanctions that would allow oil to be sold to pay for new infrastructure in that country.

A strong alliance cannot maintain its strength under such strain. It is imperative that NATO establishes a new, common mission or risk withering into irrelevance. If our purpose is a common defense, then we must form a consensus in defining our common threats. And those who agree should reconstitute a strong NATO.

During Operation Iraqi Freedom, we created a valuable template for how the world community can bond in this era of reckoning. We now should lead the effort to reconfirm a coalition of the willing to stand together against the common threat of terrorism to our democracies.

The seven invited countries have all demonstrated they are prepared to contribute if they join NATO. Every one of them supported the U.S.-led coalition to disarm Iraq. As the United States develops plans for the reconstruction and administration of postwar Iraq, we are consulting with all seven of these nations to determine how best to proceed in this process and how they can contribute. All have indicated a willingness to consider the requests of the United States or other international organizations to help restore Iraq.

Just this week, Bulgaria pledged to provide combat troops under international command. By doing so, Bulgaria has stepped forward—among the first of the world's nations—to internationalize the U.S.-led occupation. These seven countries are showing they are ready to do what it takes within their means to make the world more secure.

Madam President, I am certainly going to vote to support this round of NATO expansion because I do believe all of these prospective members have

a clear understanding that NATO has new threats and new missions, and they will make a positive contribution to this alliance.

But I do hope we will take the lead in bringing to NATO a clear focus, a clear focus on the common threats that we all face, and the methods for defending against those threats. That is what it will take to assure that this great alliance will be a great alliance in the future and not just something we talk about in the past with great regard.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I yield to the distinguished Senator from Virginia as much time as he might require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Madam President. I thank the chairman of the Foreign Relations Committee, Senator LUGAR, for his outstanding leadership on this issue. I also very much agree with the remarks made by Senator HUTCHISON of Texas.

As far as an enlarged NATO, we have had hearings on the mending of fences and the moving forward that we will need to have as a country with our Allies with a new sense of realism insofar as NATO and certain alliances—who we can always count on and who we sometimes may not be able to count on in the future.

I rise today to specifically address the issue of the enlargement of NATO. I offer my very strong support for the enlargement of the North Atlantic Treaty Organization alliance. The NATO alliance, over the decades, has had a positive impact on the world.

Since the days I was Governor of Virginia, I have been a long-time advocate of enlarging NATO, with new countries to contribute to security and also to advance individual liberty.

I was an advocate of admitting Poland, the Czech Republic, and Hungary, and they have been good participatory members. You can see how the advancement of liberty has allowed the people of those countries to have greater freedoms and greater prosperity.

I believe that enlarging the alliance will bring even greater peace and security to the world, as well as confirm the value of economic reforms that will offer all people greater individual freedoms and protection of their rights.

The reforms and progress that have been made by Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania have transformed once communist, oppressive states into vibrant democracies that appreciate the newly reborn freedom to control their own destinies.

These nations are ascending into NATO at a serious time for the NATO alliance. As these countries have made a positive transformation, so must NATO transform from the cold war deterrent it has so successfully been over the last 50 years into an alliance that

is able to adapt to meet the new challenges facing the world and the partner nations of NATO.

NATO and its members must now develop the ability to meet the threat of global terrorism wherever it may arise. This will no doubt be challenging, as the structure and strategy of the NATO alliance for decades has been to prepare for traditional conflict against the Soviet Union.

To meet the defense needs of today, all NATO nations will need to make a commitment to the forces and the resources that are necessary to root out and defeat state-sponsored and itinerant terrorism beyond the shores of the United States and Europe.

The seven nations that are poised to join NATO will be asked to take an immediate role in implementing this new mission. While it is unrealistic to ask these countries to meet the defense spending levels of the United States, the alliance should urge these new members to establish an expertise and an unmatched capability in a particular area of combating terrorism. NATO does not particularly need large, traditional forces or armaments. The alliance, rather, needs skilled units that can neutralize the devastating impacts of chemical or biological weapons, as well as seasoned intelligence organizations to ensure that NATO and its members are always able to thwart terrorist conspiracies or attacks before they are executed.

The seven aspirant countries have had to overcome significant political and economic difficulties to reach the precipice of NATO membership. Transforming a socialist-focused economy to one that is market based requires tremendous perseverance and visionary leadership and also an appreciation of liberty on the part of the people of these countries.

Indeed, the people of these nations have made their decisions and their choices. And now the economies of the aspirant countries are growing markets with potential for prosperous growth. These experiences will help these nations as they adjust to the burden of collective defense and make the responsible decisions that come with NATO membership.

I am confident that these countries—whether they are in the Baltics or Central Europe or Southeastern Europe—will continue to meet their responsibilities. You may ask, why are you so confident? Look at what these aspirant countries are already doing, and have been doing, in the current year and recent years. One must look only at the peacekeeping missions currently, and those that have been going on for several years in the Balkans.

You can look at the war in Afghanistan, and also the conflict in Iraq to conclude that not only will these nations be prepared to take the mantle of NATO membership—but are already contributing to the safety and security of all members. Their contributions and support have been substantive and

significant in these current times of need.

NATO will certainly become a stronger alliance, with the capabilities and the vitality these prospective new members bring to the partnership.

I see these seven new members actually revitalizing NATO. There are concerns that have been expressed about the adherence and the unity of NATO. These seven countries will bring a revitalization, an appreciation for the importance of NATO and the freedoms and values we stand for.

When you discuss the expansion of NATO, the benefits of membership are often the focus. However, it is important to understand the tremendous value the alliance, and especially the United States, gains when these seven countries are offered membership.

We have seen the impact of these nations in the positions and actions taken during the recent military conflict in disarming Iraq. When the alliance first addressed the Iraq issue, it was these countries that immediately voiced their support for offering protection to an ally. Once the conflict began, these countries offered staging support as well as troops and chemical weapons teams which ensured Allied Forces were prepared to confront all possible battlefield scenarios. In particular, Bulgaria and Romania were helpful with their bases.

The alliance experienced a disconcerting event earlier this year when a member nation, Turkey, requested defense assistance. Critics again questioned the value and importance of NATO. However, those trying days highlighted the importance of this alliance to the United States. And while there was a small number of members who disagreed with the United States, the vast majority were in agreement with our policy and were extremely helpful in moving the alliance to assist Turkey in their defense needs.

Beyond the military conflict in Iraq, expanding the membership in NATO continues to be in the interest of this country. As the United States continues to confront terrorism on all fronts, we will need the continued support and intelligence assistance to make our efforts successful. Again, I feel confident these nations will take the lead in developing specialized programs that are needed within NATO.

Again, the aspirant countries are being asked to put together quick response forces to deal with chemical or biological attacks, should one occur. These are the invaluable programs that NATO will need as it changes its focus to fighting terrorism.

The United States will always need allies with which to partner to promote democratic values and our principles. By offering NATO membership to these seven countries, our country is gaining valuable allies that are intimately familiar with the value of individual freedom and also the concept of representative government. They appreciate what a blessing that is for the people.

The tremendous reforms and the progress that have been made by these aspirant nations is a testament to their commitment to the core values that have made NATO the strongest military alliance in history.

I strongly urge my colleagues to vote favorably on this resolution of ratification and welcome Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to our alliance of shared security but, more importantly, to our alliance of shared values, principles, and aspirations for free people.

I yield the floor.

Mr. LUGAR. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, it is a privilege to yield as much time as he requires to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Chair. I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. LUGAR. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Indiana, the distinguished chairman of the Foreign Relations Committee, for his work on this very important legislation, for his leadership and continued voice of maturity and reason that is often needed in our discussions and debates over issues of national security.

The Senate's ratification of the NATO enlargement protocol before us represents the ultimate victory of freedom over the fear and terror that ruled Central and Eastern Europe from 1945 to 1989. The Berlin Wall came down in 1989. The Soviet Union collapsed in 1991. NATO expanded eastwards in 1999 and will do so again with the Senate's consent in 2003. History will judge NATO's historic move eastwards as a final chapter in a long struggle not simply to roll back oppression but to consolidate a Europe whole and free.

The democracies of Estonia, Latvia, Lithuania, Romania, Bulgaria, Slovakia, and Slovenia add a moral and

strategic dimension to the alliance. The Baltics were captive nations during the cold war. Romania, Bulgaria, and Slovakia were subsumed into the Soviet empire, and Slovenia was a constituent part of Tito's Yugoslavia.

These nations suffered over four decades of effective foreign control and occupation. In 1989 and 1991, we celebrated their independence. Today we celebrate their secure freedom, enshrined in our great Western alliance in defense of our common values.

The Vilnius seven nations, as NATO's newest members are known, lent their moral voice to our campaign to liberate Iraq and end Saddam Hussein's tyranny. A February 5 letter from the V-7 nations, plus Albania, Macedonia, and Croatia, stated:

The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies.

These nations share our values because they understand oppression all too well. Their voices carry special weight.

We received significant political and logistical support from the V-7 nations during the war in Iraq. NATO's new democracies provided their airspace, airfields, ports, and military personnel in support of Operation Iraqi Freedom. Several of these nations deployed troops to the Iraq theater. Many of NATO's newest members more resolutely and more concretely supported the military campaign in Iraq than did some of NATO's founding members. These seven democracies have also served as de facto Allies in NATO operations in Bosnia, Kosovo, and Afghanistan.

NATO's enlargement serves American leadership in Europe, anchoring our commitment to security and freedom there. It welcomes into the alliance a large group of nations that resolutely support American leadership and the principles that guide it in Europe and across the world.

As we saw during the Iraq debate, a majority of Europe's leaders, including NATO's new members, supported America's determination to disarm Iraq. NATO's new members will be solid allies that will expand NATO's reach, amplify its voice, and enhance its moral authority to defend freedom, including against the threat of global terrorism.

I have had the pleasure of traveling to each of the seven new member states to review their preparations to join NATO. Like my colleagues, I have been struck by these democracies' determination to rank among our closest allies, and to see NATO membership not only as a way to guarantee their security, but to contribute to the larger struggle for freedom the West once waged on their behalf.

The success of the Prague Summit demonstrated the new NATO's shared

history, shared values, shared sense of threat, and an agreed way forward in meeting those threats. This new NATO will provide a firmer foundation for peace and a more resolute defense of our values. Prague lent considerable momentum to the construction of an integrated and peaceful Europe and taught us much about our alliance.

The decisions at Prague to invite seven new members to join the alliance, create a NATO rapid reaction force, enhance military modernization and interoperability, and streamline NATO's infrastructure were tangible accomplishments that should make the alliance more capable and flexible. Rather than debating out-of-area operations, NATO forces and assets are supporting the peacekeeping mission in Afghanistan. The NATO-Russia Council provides a forum for security cooperation with Moscow. NATO's peacekeeping missions in the Balkans have been a success. The United States is considering a new military basing concept on the territory of new NATO Allies in southeastern Europe. NATO remains central to American interests in Europe and beyond.

This is not to suggest in any way that everything is going swimmingly within the alliance. NATO has been put at grave risk by hostile French obstructionism that is as dangerous as it is cynical.

Let me be clear: I believe the French government is pursuing a systematic campaign to undermine American leadership in Europe and the world. I believe France would ultimately like to see America's withdrawal from Europe and the replacement of an American-led NATO with an all-European army. France's active opposition to the United States within the North Atlantic Council over a period of many years, and in the daily workings of the NATO bureaucracy, make clear the French agenda to weaken NATO's foundations and make the alliance less capable of effectively meeting challenges to international security.

Officials at many levels of the French government, including President Chirac, boldly assert France's ambition to serve as a "counterweight" to the United States. By definition, a country can be either a counterweight or an ally, but it cannot be both. Official pronouncements by the French government, and the daily actions of France within NATO and at the Security Council, make clear that France is not an ally of the United States.

France's decision in February to block a routine request for Turkey's defense—I emphasize "defense"—in the event of war with Iraq created the most serious internal crisis the alliance has known in a generation. France's open rejection of its commitment to a fellow NATO ally required the decision on Turkey's reinforcement to be taken in the Defense Planning Committee, which excludes France.

The Defense Planning Committee is the logical and appropriate venue for

decisions relating to the defense of NATO members to be made. France does not contribute militarily to an alliance premised on the military defense of member democracies. France has a political voice but not a military stake in NATO decision-making. Decisions relating to the military interests and defense of member states—the core of NATO's mission, and the bulk of its agenda—fall under the authority of the Defense Planning Committee. The French dilute their own influence in NATO by not participating in its military arm, and the alliance should recognize that condition of French membership by making defense decisions in a forum that reflects France's absence from NATO's military mission.

NATO did ultimately achieve a consensus in the DPC that met Turkey's defense requirements. Achieving consensus in an institutionalized forum that excludes France seems to me to have produced a better result than a divisive majority vote in the North Atlantic Council, had we shelved the consensus principle in favor of some other weighted voting mechanism, as some in the Senate have proposed.

While I did not oppose the agreement reached today in the Senate creating a reporting requirement on the issues of consensus and suspension within NATO, I do not support overturning the consensus principle and creating a suspension clause because I believe it could weaken American leadership and interests in NATO while actually improving the position of France within the alliance. Replacing the consensus rule with a majority voting scheme would lead to factionalism and could result in scenarios in which the United States was outvoted, ceding our traditional leadership to others. Adopting a suspension clause would gut the heart of the alliance, the commitment to mutual defense, by introducing a reservation into the Alliance's commitment to defend an embattled democracy.

Putting the issue of the consensus rule on the agenda of the North Atlantic Council would be seen by some of our best allies as divisive. It would create a debate within the Council not about the French fifth column, but about an American proposal that would dilute the influence of other NATO partners by weakening or negating their influence in a majority voting scheme. Replacing the consensus rule with some form of majority vote could threaten the supreme national interests of any NATO member, including the United States, that might at some point find itself dissenting from a majority of NATO members on a matter vital to that country's national security. The United States would never give up its effective veto over NATO military operations, and no country that contributes militarily to the alliance could be expected to do the same by endorsing a majority voting process.

Under consensus, no vote counts more than any other, which is not true

in a weighted majority voting system like that of the Security Council. Consensus helps pull allies together and gives each an equal stake in their outcomes. It prevents factionalism and the development of voting blocs that would only divide allies, not draw us together. Consensus prevents France from leading its own voting bloc in opposition to the United States. Historically, the United States has been the only NATO member whose initiatives regularly achieve consensus. Why throw away such an effective tool for U.S. leadership?

Nor would I support conditioning NATO enlargement on developing a mechanism to suspend any NATO member that fails to uphold alliance principles. Advocating a kick-out clause suggests a lack of confidence in the democratic character and commitment of our new allies. It sends exactly the wrong message to these new members: that we fear they may regress from the democratic values we have certified that they share by inviting them to join NATO, values which NATO itself protects and strengthens. Conditioning their membership with the suggestion that we do not have confidence in the longevity of their democracies seems a strange way to welcome them into our alliance.

A clause threatening any individual NATO member with expulsion would weaken the heart of the Washington Treaty by casting doubt on the commitment of the NATO Allies to come to the defense of any threatened member state. A suspension clause would effectively condition the mutual defense commitment that is at the heart of the alliance in a way that would breed insecurity and mistrust, not security and confidence, among member states. In the words of Bruce Jackson of the Project on Transitional Democracies:

A provision to expel [NATO members] would introduce a corrosive mental reservation into the commitment to defend an embattled democracy and would, therefore, debilitate the most powerful military alliance ever assembled.

NATO works so well for many of the reasons the U.N. Security Council does not: it is a true community of values in which all members are democracies; consensus requires unanimity that gives all members a stake in decision-making and outcomes; the absence of majority voting or weighted voting like the Security Council does not create different classes of membership or hostile factions; and unlike the Security Council, NATO has proven time and again that it is able to effectively resist aggression and use its military and political power to expand freedom. The reason the seven new members of NATO are so keen to join the alliance underscores their clear belief it will protect their security and advance their interests. Can anyone hold the Security Council to the same standard?

NATO's value to American interests and the progress of freedom endures. NATO enlargement serves American

interests by delivering seven committed treaty allies who share our perspective on the world. Enlargement serves our common values by adding to our community of allied democracies the voices and the people of countries that were long denied their free destiny. NATO's expansion moves us decisively in the direction of a Europe whole and free, one that has exorcized the ghosts of a violent past and stands with us in its commitment to human freedom.

As the leaders of Britain, Spain, Italy, Poland, Hungary, the Czech Republic, Denmark, and Portugal have written, "The real bond between the United States and Europe is the values we share. . . . These values crossed the Atlantic with those who sailed from Europe to help create the United States of America. Today they are under greater threat than ever. . . . Today more than ever, the transatlantic bond is a guarantee of our freedom." Let that continue to be our creed in the uncertain years ahead, confident that we are stronger together than apart, that our values ennoble our common defense of them, and that we can, together, make this a safer, freer, better world. It's worth fighting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I know of no Senators who wish to debate. I have consulted with the distinguished ranking member, Senator BIDEN. He knows of no Members on the Democratic side seeking time to debate and I know of no Republicans who seek further time in debate. Therefore, I ask unanimous consent all time be yielded back on both sides.

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

Mr. LUGAR. Mr. President, my understanding, and I ask for guidance from the Chair, is that a vote on final passage of the NATO treaty will occur at 9:30 a.m. tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I advise all Senators that the next action on the treaty will, in fact, be the final vote at 9:30 tomorrow. I also add as an announcement that the foreign ministers of the countries seeking ascension will be brought to the floor following the vote for presentation to Senators. That will be a prelude for a number of recognition ceremonies involving the President, the White House, and others.

Mr. SARBANES. Will the Senator yield?

Mr. LUGAR. I am happy to yield.

Mr. SARBANES. I simply commend chairman LUGAR and Senator BIDEN, ranking minority member, for their very effective leadership with respect to this NATO enlargement issue. I am pleased to join with them in supporting this very important step forward.

I underscore how quickly the chairman moved with respect to this matter and how carefully it was done in the

committee. Very extended consideration was given to this issue, which of course, comports with its importance. This is a major step we all need to recognize and the fact that it will happen without controversy, at least of any consequence, ought not to make us lose sight of the fact of the historic nature of what is being accomplished here—tomorrow, presumably.

I thank the Senator for his skilled leadership on this issue.

Mr. LUGAR. I thank the distinguished Senator from Maryland for his leadership in our committee throughout the years and, likewise, specifically, on the issue of NATO that has been before the Senate.

MORNING BUSINESS

Mr. LUGAR. I ask unanimous consent the Senate now begin a period of morning business with Senators permitted to speak up to 10 minutes each.

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

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

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

FAIRNESS AND RESPONSIBILITY IN POLITICAL LIFE

Mr. CORZINE. Mr. President, I rise today to speak to an issue of fairness and responsibility in our political life that demands our attention.

Let me premise my remarks by saying it is an honor to be a Senator and serve the people of New Jersey. I love my job. I love politics and the debate of ideas it makes possible. But I must say that I am downright disgusted when that debate of ideas degenerates into the politics of personal destruction and moves toward character assassination, especially when it may run afoul of the laws passed by this body, and more especially when the target of a campaign of personal destruction is a good and decent man—TOM DASCHLE, who has spent his entire adult life in service to our Nation.

A little over 1 year ago, the Congress passed—and the President signed—the Bipartisan Campaign Reform Act of 2002.

Even as the courts ponder a challenge and an appeal to this landmark legislation, there are those involved in the political process that have demonstrated their intent to disregard it no matter what the court decides for the sole purpose of destroying a political opponent.

In that regard, there are very disturbing reports in the media this week about an amorphous front group being formed in South Dakota for the pur-

pose, in the words of its organizers, of ending TOM DASCHLE's public career in 2004.

I don't question anyone's right to free speech nor their right to mount a campaign against any candidate for Federal Office, but this effort would apparently violate both Federal tax and election laws.

According to press reports, associates of the presumptive Republican nominee for Senate in South Dakota have begun raising special interest money in Washington for an advertising campaign in South Dakota against Senator DASCHLE, a campaign only marginally distanced from Senator DASCHLE's potential competitor or the opposing political party.

The problem with this effort, leaving aside the elements of personal destruction, is that the organization leading it—the Rushmore Policy Council—is organized as a tax-exempt 501(c)(4) non-profit organization.

According to the IRS, 501(c)(4) organizations "must be operated exclusively for the promotion of social welfare." The IRS also stipulates that, "the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office."

One might say a lot of things about TOM DASCHLE, but his election or defeat is hardly social welfare. It is clear from their own statements that the purpose of the Rushmore Policy Council is to defeat Senator DASCHLE. In short, this is likely a violation of the letter of the law and clearly a violation of its spirit.

The Congress attempted to address these types of advertisements in the campaign finance reform law passed last year. But one of the organizers of the effort against Senator DASCHLE stated simply that, "We're going to operate as if it's not" on the books.

In addition to the personal attacks and legal questions are the implications of a smear campaign that constructs front groups to infiltrate a Senator's home State with reckless disregard for the spirit of the campaign finance laws that this body passed just last year with bipartisan support.

At the very least, this is a mockery of Congress's efforts to clean up electoral politics.

Let me quote from the memo distributed around Washington by the organizers of the Rushmore Council's so-called Daschle Accountability Project: "We propose to destroy Daschle's credibility" and "ultimately end his political career . . ."

Unbelievably, the group funding this covert operation intends to employ South Dakotans who have almost nothing to do with the campaign, but who help to convey the false impression that the campaign is, and I quote, "putatively based in South Dakota—to avoid the dismissive 'outsider' label routinely attached to such efforts in the past."

In other words, the group exists to put a phony local veneer on the GOP's efforts to ruin its number one target—TOM DASCHLE. Or as this particular group puts it, ". . . maybe be rid of [Tom Daschle] once and for all."

This is the work of the Rushmore Policy Council, an organization so small it has no website or local telephone listing. Its offshoot "The Daschle Accountability Project" is a proudly self-described coalition of right wing organizations whose stated purpose, according to its own mission statement, is not to engage in policy debate, but rather to end Daschle's career by running an \$800,000 advertising campaign in South Dakota designed to "destroy DASCHLE's credibility within his home state through humor"—as if a laugh track makes them any less unseemly.

The Rapid City Journal recently cited leaders of campaign finance watchdog groups who have already pointed out that the Rushmore Policy Council is endangering its tax-exempt status by targeting DASCHLE for defeat in 2004. "It's not clear to me how they will remain a 501c4—an organization that must operate exclusively for the promotion of social welfare—as they are going to do what is being reported.

And, Fred Wertheimer, president of the campaign finance reform group Democracy 21 agrees with this assessment. He tells the Journal "The group's activities need to be carefully watched in the coming months to see if, in fact, they are breaking tax laws and campaign-finance laws. It is clear they want to defeat Senator DASCHLE . . . there doesn't seem to be any question they want to use this for this goal and that purpose . . . and that—is not what this group—is supposed to engage in."

Most disturbingly is that this type of attack is hardly new. About a year and a half ago, the White House asked its political allies to turn up the heat on Senator DASCHLE. Most of us know the routine—the orchestrated campaign to tar TOM with the label "obstructionist." Even while under his leadership the Senate approved 100 judicial appointments and rejected only two—some obstructionist.

Where I come from, 100 is hardly obstructionist.

After the White House's directive, the outrageous attacks began. Since then, political opponents have compared Senator DASCHLE to everyone from Saddam Hussein to the devil himself on talk radio.

The problem this "Burn Down Daschle" effort faces is two fold: No. 1, lack of credibility; and, No. 2, lack of legal authority.

On the former, the Sioux Falls Argus Leader accurately points out that the Daschle Accountability project and its efforts to destroy DASCHLE's character through an ad campaign with a ridiculing tone embedded in humor have the potential to backfire in a small State where retail politics holds great sway.

Senator DASCHLE, I realize, doesn't need me to defend himself to the people of South Dakota. They are smart enough to see through this despicable outsider campaign. They know he stands with South Dakota and her farmers. They know he stands with South Dakota and its small businesses. They know he stands with South Dakota on health care, education and responsible economic policy. He has given a lifetime of service to his community.

I only wish the Daschle-bashers would remember that the President promised to change the tone in Washington. Unfortunately, he has. It has gone from bad to worse.

It is worth noting that a number of the people involved in this campaign have their own problems with previous campaigns and finance reform, and by some of the people with whom they have associated. I think this latest effort is no less distasteful.

I thank the Chair for taking into consideration what I hope will be an attempt to turn to the real political debate on real issues and leave the character and some of the efforts we have seen to undermine the true nature of how people try to compete in the political arena.

I thank the Chair.

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

THE PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. The Senate is in morning business. The Senator from Michigan may proceed.

MEDICARE

Ms. STABENOW. Mr. President, I rise today to talk about recent remarks made by the Director of the CMS, Mr. Tom Scully. Last month, speaking to an audience of health care providers in Lancaster, PA, Mr. Scully made the following comments on the Medicare Program.

Mr. Scully has the agency that oversees the Medicare Program, so this is particularly disconcerting given the way he described the Medicare Program. He used the phrase "an unbelievable disaster." The person who is the administrator of the Centers for Medicare and Medicaid Services said: Medicare is an unbelievable disaster. We think it is a dumb system.

I could not disagree more. While I disagree with his views, at least I admire his candor because when it comes to Medicare, a lot of people are pretending to strengthen it and improve it when in fact they agree with Mr. Scully.

Medicare, along with Social Security, is a great American success story. Medicare has been in place since 1965. It is the only part of our health care

system that is a universal system, meaning that once a person is age 65, they have access to health care. Regardless of who they are in this country or if they are disabled, they have access to health care. This is the only part of our system, the only group of people, who know that there is a guarantee of health care for them; that is, those who are under Medicare.

We have almost 40 million people now under Medicare, and because of Social Security and Medicare, we have brought millions of seniors and the disabled out of poverty into a better quality of life. I call that a great American success story. I do not call it a "dumb system."

It is important to talk about what is happening right now in the debate about Medicare and where we are. The day after the State of the Union Address this year, President Bush went to Grand Rapids, MI. We always welcome a President of the United States to my home State. He came to promote his Medicare reform plan. However, he barely mentioned it during his speech. When he did mention it, he indicated that only those who choose to go into private Medicare plans—not Medicare as we know it but private sector plans—would be allowed to get prescription drug coverage. Those who could not get into a private plan or who wanted to stay in traditional Medicare to see their own doctor, would be, unfortunately, out of luck under this plan.

So we have a system that has been in place and has worked for seniors and the disabled since 1965, providing health care. Now we are hearing about proposals which say that if someone wants to get help for prescription drugs, they have to go back to the system the way it was before, they have to go back to private insurance plans.

When the President said that, Republicans, Democrats, and health care providers roundly criticized this particular plan. Many pointed to the fact that private sector Medicare plans are currently not a viable option in most of the country. They are just not there, let alone in rural areas.

In fact, the President, ironically, went to Grand Rapids, MI, to talk about the virtue of private Medicare plans when even in the area where he was, in western Michigan, there are no private sector plans. So everyone listening to him would not have access to help pay for their prescription drugs under the proposal that was made because the proposal that was made was based on something called Medicare+Choice, which has been a failure in Michigan as well as across the country.

The overall experience of the private sector plan, in fact, is that it has not worked. I will share the numbers. Nationwide, 2.5 million seniors have been dropped from private sector HMOs under Medicare+Choice plans. In fact, I have to say my mother was one of them in an HMO. She was having a

good experience in a Medicare HMO, and they dropped Medicare. Out of the blue, she had to go look for another insurance plan and other doctors because they pulled out.

In Michigan, 35,000 seniors have been dropped from these private plans, including, as I said, my own mother. Currently, only four Medicare+Choice plans operate in my State. They are available to only 2 percent of the population of my State, and they are all in the eastern part of the State none in the central part of the State, in Lansing where I live, none in west Michigan, in Grand Rapids, none in upstate Michigan or the Upper Peninsula only in one geographic area.

Given this fact and the fact that Democrats, Republicans, and many other people stood up and said, wait a minute, this is a plan that does not make any sense, after a great deal of discussion the Bush administration did release a new set of principles for adding prescription drugs to Medicare. This time, their plan allows those who remain in traditional Medicare to get only a minimal catastrophic coverage and possibly a discount card.

We understand from analysis it would be an average of a little over \$3 that would come off a prescription based on a discount card. However, if the senior citizen wanted real prescription drug help, really wanted to be able to pick between food and their medicine, they would have to, again, abandon traditional Medicare and possibly give up seeing their own doctor in order to go into a private plan.

In all sincerity, I believe this drive to privatize Medicare is simply wrong. Since its inception in 1965, the Medicare system has worked well for seniors. In fact, back then 29 percent of the seniors of our country lived in poverty and now it is 11 percent. I call that a success, although we still need to be worried about the 11 percent.

I agree that Medicare should be updated. I agree it should be modernized to cover prescription drugs and also focus more on prevention. We heard Secretary Thompson who came before the Budget Committee to talk about prevention. I agree with him. We need to change the system to be more focused on prevention. We need to update Medicare to cover prescription drugs. But seniors should not be forced into private sector HMOs or other plans to obtain this kind of coverage.

Mr. Scully was honest about his beliefs. He spoke his mind. He expressed the belief of many that Medicare is dumb and is a disaster. These quotes are similar to those that were spoken by then-House Speaker Newt Gingrich when he said he wanted to let Medicare wither on the vine. These comments have been made before. It is very clear to me that Mr. Scully, Mr. Gingrich, and many others want to replace Medicare with a private sector system. I urge my colleagues to stand up against this assault.

I am particularly concerned about what is happening and how it relates to

the tax plans that are in front of us, and what is happening now in the economy. As a member of the Budget Committee, when many of us bring up concerns about falling further into deficit through the tax plans that were passed last year giving tax cuts to the elite, another round that is being proposed this year, and we see that we have 450 economists across the country, including 10 Nobel laureates who say this will not create jobs, it will just add to weakening in the economy and, in fact, be devastating because of the red ink it will create—when we see that, when we ask, how can you possibly support this when the first big round of baby boomers are coming very soon, in the next 6 to 8 years, how do we do both?

How in the world can we afford to place ourselves in such jeopardy, trillions of dollars in debt, the result of a policy that says tax cuts should be given to the elite, while building up national debt. How can we afford that?

I am told by colleagues, you assume Medicare and Social Security will be there as you know it now. I do assume Medicare and Social Security will be there as we know it now. When I look at the numbers, I am deeply concerned. The Center of Budget and Policy Priorities released a report recently that basically said if we just took the tax cuts for the elite passed in 2001 and made those permanent and carried that out, it would cost about \$10 trillion—if we carried that out the way we usually estimate Social Security and Medicare; over 75 years, \$10 trillion in costs for that tax policy.

What is the combined Medicare and Social Security deficit projected during the same time? The \$10 trillion that we are putting into place if that passes in the House and the Senate and is signed by the President. We will voluntarily be setting ourselves on a course to \$10 trillion in debt right when we know Medicare and Social Security will need \$10 trillion.

If you add to that the current debates about adding to that with the new policies that have been proposed, we end up between \$12 trillion and \$14 trillion in costs exactly at the same time we have a need for \$10 trillion in Medicare and Social Security.

This is a conscious choice. For those who vote for the plan proposed by the President, you are putting in place great jeopardy to Social Security and Medicare. It is a conscious choice. I have to assume it comes based on what Mr. Skully was talking about, that people believe Medicare is a dumb system, an unbelievable disaster.

Medicare and Social Security are great American success stories. We need a short-term plan for jobs, opportunity, and prosperity, and that is what we are proposing. That really creates jobs. We can give tax cuts responsibly for taxpayers and small businesses and help States without jeopardizing Medicare and Social Security.

I am deeply concerned about this and urge colleagues to take another look at

what is proposed in the Senate and work together.

The PRESIDING OFFICER. The Senator from the Commonwealth of Kentucky.

ENERGY

Mr. BUNNING. Mr. President, I rise today to talk about the energy bill and need for a comprehensive energy policy.

Although we were unable to pass an energy bill in the 107th Congress, I am hopeful that in this Congress we will be able to get a good bill through the Senate, out of conference, and onto the President's desk.

We have had a department of energy for over 20 years. But we've never had a sound national energy policy.

Now is the time for Congress to get serious about addressing our energy supply and needs.

In order to make progress on the energy bill we need to figure out how to increase production while also doing more to encourage conservation.

In the past I think Congress has failed to make progress on energy policy because we have tried to make a choice between the two.

I hope most of us understand that a sensible energy policy must strike a balanced approach that includes a boost in domestic energy production as well as a promotion of conservation and smarter energy use.

The energy bill before us, under Chairman DOMENICI's leadership takes good steps towards striking this balance.

I look forward to the tax provisions coming from the finance committee that will further promote conservation and energy efficiency by encouraging the use of cleaner burning fuels.

As a member of both the energy committee and finance committee, I am pleased to have had the opportunity to help craft the bill before the Senate.

In the wake of September 11 and ongoing problems in the middle east, it is more and more obvious a sound energy policy is a crucial part of our national security.

We must have reliable sources of energy and we must cut our reliance on foreign oil.

Increasing our domestic production is critical in reducing our foreign dependence.

Right now we depend upon foreign nations—including the middle east—for nearly 60 percent of our Nation's oil supply.

Americans have experienced some difficult times recently when oil and gas prices shot up. They are starting to edge back down now. But during the winter and early spring consumers saw prices go up and up.

We all saw the rise in gas prices this winter and the crimp it put on the economy.

We are struggling to get out of a recession now, and while passing an energy bill might not help us in the short

term, it could make a difference the next time we hit an economic downturn or things flare up in the middle east.

The need to increase our own production of energy has never been more important than now.

While we appear to be moving away from combat in Iraq, there is still a lot of uncertainty in the middle east.

It is too important and there is too much instability in the world. We need to pass an energy policy now.

Mr. President, Congress has been playing political football with the issue for the past few years. I think it's time to end the game.

Our Nation and our National security continue to be at stake.

We must strengthen our energy independence to protect ourselves from any dangerous and unpredictable events in the middle east.

We don't want the United States beholden to other countries just to keep our engines running and lights turned on.

While I am disappointed that ANWR is not in the bill before us, the bill does provide a good starting point to help our Nation increase domestic production of energy and reduce our reliance on foreign sources.

It also provides important conservation provisions which will help protect the environment.

I am also glad that the Senate's energy bill contains the clean coal provisions I wrote to help increase domestic production while also improving environmental protection.

For my home State, this means more jobs and a cleaner place to live.

Clean coal technologies will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I'm proud to come from a coal state. For generations Kentuckians from Pike county in the east to Crittenden county in the west have made their living in the coal fields and coal mines.

For the last decade coal in Kentucky was on the downturn because of legislative and regulatory policies from the Federal Government.

Now I am glad to see that we have turned that around and are taking steps to make sure that coal continues to play a vital role in meeting our future energy needs.

This focus on clean coal is good for the environment. And it is certainly good for the economy and for putting folks back on the job.

The energy bill encourages research and development of clean coal technology by authorizing nearly \$2.6 billion in appropriations for the D.O.E. to conduct programs to advance new technology.

Almost \$2 billion will be used for the clean coal power initiative where D.O.E. will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

The proposed energy tax package includes nearly \$2 billion in tax credits

for companies to implement clean coal technology.

Coal plays an important role in our economy. The 21st century economy is going to require increased amounts of reliable, clean, and affordable electricity to keep our Nation running.

Today, more than half of our Nation's electricity is generated from abundant low cost domestic coal.

We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's coal supply.

That is enough coal to supply us with energy for more than 250 years.

With research advances, we have the know-how to better balance conservation with the need for increased production. We should use our know-how to come up with a good energy bill.

I hope we can move it quickly and pass a bill to make our environment, economy, and National security stronger.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATIONS OF JUSTICE PRISCILLA OWEN AND MIGUEL ESTRADA

Mrs. HUTCHISON. Mr. President, I want to talk today about Justice Priscilla Owen. On Friday, it will be the 2-year anniversary of the nomination of Justice Priscilla Owen for the Fifth Circuit Court of Appeals and also for Miguel Estrada to the District of Columbia Court of Appeals.

These are two qualified nominees in every respect who are being filibustered to keep them from taking their seats. They have both received a majority vote of the Senate, but neither of them is confirmed because we are now being asked to have a 60-vote threshold for these qualified nominees. It is not right, and I think it goes against the Constitution and affects the balance of powers.

The balance of powers was very clearly and purposefully set out by our Founders so that each branch would be separate and equal. In the Constitution, it says the President will nominate Federal judges and the Senate will give its advice and consent. Historically, advice and consent under the Constitution has meant a majority vote for judicial nominees. It does not mean a 60-vote threshold. And it does not mean that the Senate can dictate to the President whom the President can nominate.

We should give the President's nominees an up-or-down vote when they get out of the committee. The committee is there to have hearings, to question these nominees. If a person gets out of

committee, that person deserves a vote on the floor.

When the Founding Fathers did think that a supermajority should be required, they clearly provided for it. For example, article II, section 2, gives the President the power to nominate "by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." Immediately following this provision, the Constitution gives the President the power to make judicial nominations "by and with the Advice and Consent of the Senate," period.

By clear omission, the Constitution does not require a supermajority for judicial nominees as it does for treaties. Congress has no right—it has no power, as outlined by the Constitution—to assume a different role in the nomination and confirmation of judges. A filibuster requiring 60 votes on a judicial nominee is beyond the intent of the Constitution.

Furthermore, the 25th amendment to the U.S. Constitution, approved by the Senate in 1965, demonstrates, I think, the intent of the Founding Fathers in confirming a nominee. In this case, the Vice President "shall take office upon confirmation by a majority vote of both Houses of Congress." If we are required to approve the Vice President of the United States by a majority vote, how could we possibly require a 60-vote threshold for a Federal judge?

I understand that cloture votes are needed sometimes for procedural reasons, such as a time-management device, but with the nomination of Miguel Estrada this has not been the case; with the nomination of Priscilla Owen this has not been the case.

This kind of filibuster is unprecedented in Senate history. So I hope we can do one of three things: We can start talking about changing the Senate rules so that, in the case particularly of judicial nominations, we will not ever have a 60-vote threshold, which is not contemplated by the Constitution; or we can require a vote, ask for a vote, get a vote for these qualified nominees; or we can file a lawsuit, asking the courts to decide if the balance of powers in the Constitution is being violated by this 60-vote threshold.

I do hope we will get an up-or-down vote on these nominations. The fact that they have received over 51 votes—both of them—shows that they would be confirmed if they had their right to an up-or-down vote in the Senate.

Priscilla Owen, of course, is from Texas, so I know her and I know her reputation. She has the strongest bipartisan support you could possibly ask for. She is a person who graduated cum laude from Baylor Law School, made the highest grade on the State bar exam when she graduated. She has been elected to the supreme court by over 80 percent of the people in Texas. She is universally well regarded.

She is not a judicial activist. In fact, it is her strict adherence to the letter

of the law and Supreme Court rulings that has been one of the problems with this nomination because she didn't make law. She didn't try to put words in the mouth of a legislator. She just followed what the legislature said in the parental consent laws in the State of Texas, the law of the State. She followed the letter of the law and the Supreme Court rulings and tried not to be a judicial activist. For that she is being accused of being a judicial activist.

She was grilled twice by members of the Judiciary Committee. She had very tough hearings. I don't think I have ever seen a nominee do better. She knew every answer to every question asked, even the minutia of cases that had been heard by her court years ago. She knew what she had done and the reasoning for it. Her hearings alone would be enough to show her academic prowess and her qualifications for this bench.

Further than that, the hearings also showed her judicial temperament. She handled herself so well, and she has gone through 2 years of a grueling experience—not something she is used to. Judges are not usually in the political arena. Even when they are elected, they don't usually have strong opposition. They don't have these spirited races such as we see in legislatures and the Congress. It wasn't that she was attuned to the slings and arrows of politics. She has handled herself so beautifully, I don't think you could ever argue that she does not have the judicial temperament. When you put that together with her clear academic excellence, she is the kind of person we want on the bench.

I wonder if we turn down nominees like Miguel Estrada, who came to this country from South America when he was about 18 years old, didn't speak English, worked his way through Columbia, was Phi Beta Kappa, went to Harvard Law School and graduated magna cum laude, then had an outstanding record in the Solicitor General's Office, winning very complicated Supreme Court cases, and is known as one of the outstanding appellate lawyers in America—if people like Priscilla Owen and Miguel Estrada are not the kind of people we are going to put on the court, we are going to start having mediocre people on the court.

We will have people who never have said anything, people who don't have the stellar reputations. These scholars, Miguel Estrada and Priscilla Owen, are people who are willing to take pay cuts in order to serve, because they like the intellectual challenge. They like what they are doing. They like public service. They are willing to take huge pay cuts for serving, and they are willing to do it. And they are quality people. What are we doing? What are we doing holding up quality qualified people like this?

These nominations should not be controversial. They obviously are because they are not being passed, but

these are not controversial people. They are mild-mannered, brilliant, fair, evenhanded, temperamentally sound people. We are putting them through the political meat grinder.

I have to ask: Who are we going to get, as we go down the road and good people watch what has happened to Priscilla Owen and Miguel Estrada? Who is going to submit themselves to be a Federal judge, if they have to go through this kind of political process?

I hope the Senate can amicably resolve the issue of nominations, especially judicial nominations where the Constitution and the balance of power are at stake. I hope we will allow these votes for these two people who deserve an up-or-down vote and deserve to be on the bench. They will both make excellent judges.

May 9 is Friday. We are going to have cloture votes tomorrow, May 8, the day before the 2-year anniversary of these qualified nominations. I hope those who are filibustering them will see their way clear to let the majority rule. Both of these nominees have now gotten 52 and 54 votes respectively. They have the majority. In any other case they would be on their way to sitting on the circuit courts of appeals. That is where they ought to be. That is where they deserve to be.

I hope my colleagues will allow Miguel Estrada and Priscilla Owen to take their rightful place on the bench. They have earned the majority vote. They have received a majority vote, which is what is required by the Constitution. They should be allowed to be confirmed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent that in the period for morning business, I be allotted 20 minutes to speak.

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

JUDICIAL CONFIRMATION PROCESS

Mr. CORNYN. Mr. President, I rise today to say a few more words about our broken judicial confirmation process. This week the Senate marks a dismal political anniversary: 2 years of partisan obstruction of President Bush's judicial nominees, culminating in two unprecedented filibusters, and more are threatened.

The current list includes Justice Priscilla Owen, with whom I served on the Texas Supreme Court, whose nomination is now subject to a filibuster before the Senate. This 2-year anniversary indicates the true breadth of the

failure of the judicial confirmation process, an increasingly bitter and destructive process, a process that does a disservice to the President, to the Senate, to the nominees, and ultimately to the American people.

Today a partisan minority of Senators are forcing a supermajority requirement of 60 votes on the judicial confirmation process. They are using the filibuster not simply to provide for adequate debate—a reasonable and laudable goal—but to prevent many of our Nation's most talented legal minds, in this case at least two of them, from filling our Nation's judicial vacancies. These obstructionist activities continue to undermine the constitutional principles of judicial independence and majority rule.

My colleagues should not think the American people do not know what is going on here. They see when a nominee's well-recognized abilities are ignored in favor of scare tactics and revisionist history, and they see when some Senators eschew the interests of the States from which they were elected, and, indeed, our Nation, and instead kowtow to special interest groups.

I am confident that Members of the Senate are wise enough to reject, I guess, what can only be called an inhuman caricature that has been drawn of Justice Priscilla Owen by special interest groups intent on vilifying, demonizing, and marginalizing an admirable nominee.

If we were allowed to hold a vote today, a bipartisan majority of this body stands ready to confirm Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

I would like to take a few moments to talk about my own observations while serving with Justice Owen on the Texas Supreme Court for a period of 3 years during which our terms overlapped, from the time she joined the court in January 1995 until the time I left the court after serving 7 years in October of 1997.

During those 3 years, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis exactly how she approached the task of judging, how she thinks about the law and, indeed, her responsibilities, and how she thinks judges should perform once given the awesome responsibility that confers.

I spoke with and debated with Justice Owen in conference on countless occasions about how to faithfully read and follow statutes passed by the legislature and how to interpret precedents; that is, cases that had been previously decided that are binding on courts in terms of their guidance on deciding the same issues in the future.

I saw how hard she worked to faithfully interpret and apply what the legislature had written. I saw her take notes. I saw her tireless attention to detail, her zeal for studying the law, her dedication and her diligence. Not once did I see her attempting to pursue a political or personal agenda at the

expense of what the law said or what the law required.

Indeed, some of my colleagues have taken her to task for disagreeing, and the fact that appellate judges, particularly at the highest court in my State, would actually disagree with one another, and suggesting that somehow there is something wrong with that.

Well, to the contrary. That is exactly what the job of a judge is. If we did not have judges occasionally disagree with each other, that would mean somebody was not doing their job, because by the time cases get to the top echelons of our judicial system, they are the hardest cases. They are the cases that cannot be solved by lower levels of the judiciary or indeed by settlement between the parties. These are important issues and must be decided. Indeed, a judge, unlike a member of this body, cannot choose to simply walk away. They must decide the case in the posture as presented by the litigants.

From experience and from observation, Justice Owen believes strongly that judges are called upon not to act as another legislative branch, not to act as a politician trying to read the polls or trying to assess what public opinion may say about this question or another. A judge's job is to faithfully read the statutes on the books and then apply them to the case before him or her or to interpret the precedents by earlier courts and to faithfully apply those, not in a lawmaking fashion but in a law interpretation and law enforcement fashion.

Indeed, that is the difference between what judges do and what members of the executive or legislative branches do. Judges are not supposed to make law. They are supposed to interpret and enforce the law written by the legislature.

I can testify from my personal experience as her former colleague that Priscilla Owen is an exceptional judge and one who understands and internalizes her duty to follow the law and enforce the will of the legislature. That is why the American Bar Association gave her a unanimous rating of well qualified. That is why she has strong bipartisan backing, including Democrats in the State of Texas and Democrat practitioners who have seen her in action. That is why she had enthusiastic support from her fellow Texans in her last election to the court. Some 84 percent of the voters voted to return her to office when she ran for that election.

Simply put, she is a brilliant legal scholar and a warm and engaging person. Knowing the individual, the human being, as I do, it causes me great pain to see her treated the way I believe she has been treated, unfairly, during the judicial confirmation process, and to hear Senators describe her in a way that nobody who knows her would recognize.

Not many in this body have had the privilege of knowing her personally and so that is why I think it is important

for me to say the picture that has been painted of this highly qualified and highly talented human being and great judge in our State of Texas is more than just a little disappointing. It is beneath the dignity of this institution and deserves not only this institution but the constitutional requirement of judicial confirmation and, indeed, ultimately the American people.

The beltway special interest groups are not interested in trying to understand or evaluate Justice Owen by her real record, because if they were, they would see it as a sterling record of intelligence, accomplishment, and bipartisan support. The special interest groups are not interested in the confirmation of nominees who merely interpret the law and render judgment responsibly. They are only interested in confirming people who they believe are advocates of their interests, something that is totally at odds and conflicts with the role a judge is supposed to perform.

Sadly, it is clear that these same special interest groups are interested in obstructing as many of President Bush's judicial nominees as they possibly can. Those who oppose Justice Owen's confirmation appear to have really no stomach for debate and talking about the facts. They choose instead to filibuster and engage in the worst kind of mean-spirited and destructive political attacks.

Let there be no doubt left in the matter. Allow me to quote one of the leaders of the special interest groups opposed to Justice Owen's nomination quoted in the Los Angeles Times last week, when they said: It is sad that not all of these nominees can be filibustered.

So it is clear who is playing the tune and who is giving the instructions. Unfortunately, too many are heeding those instructions to filibuster the President's nominees, to prevent a bipartisan majority of this body from voting to confirm those nominees as they would today in the case of Priscilla Owen and Miguel Estrada.

I can only hope that at some point my colleagues will understand what is going on and reject this special interest influence on the judicial confirmation process. I can only hope that ultimately what we will all strive for is a process that is fair and consistent with our constitutional duty. Yet by blocking a vote on Priscilla Owen, they make themselves allies to these groups, groups that rejoice at the prospect of a Senate in constant gridlock when it comes to the judicial confirmation process.

These shrill attacks are inaccurate, dishonest and unfair. It is not the first time. These are the same people and the same groups that claimed during the nomination of Supreme Court Justice John Paul Stevens that he "expressly opposed women's interests." They found Supreme Court Justice Anthony Kennedy "a deeply disturbing candidate." They testified that Justice

Lewis Powell's confirmation would mean that "justice for women will be ignored." And they described Supreme Court Justice David Souter as "almost neanderthal."

Those attacks and the current attacks of these same special interest groups are neither accurate nor, after they have long been exposed as untrue, should they be deemed credible. Lending credence to these tactics should be beneath this body. They have no standing for their arguments to be considered legitimate by this body. Like the little boy who cried wolf one too many times, they should be ignored by this body.

It is hard to recognize the caricatures that opponents of these nominees have drawn. As a member of the Senate Judiciary Committee who has voted on a number of President Bush's nominees for the Federal bench, I have seen the politics of personal destruction are fast becoming a commonplace activity for our judicial nominees. Indeed, I began to wonder whether there are enough good and honorable people with distinguished records left in the legal profession or in the judiciary who will volunteer to submit their names to this destructive process who, knowing the facts, regardless of the truth, they will be painted as some horrible caricature of their principal beliefs. Nominees who are so well recognized for their ability should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis.

It pains me to see what can only be called the politics of personal destruction played out in the course of the judicial confirmation process.

This Friday the clock will run on into a third year of gridlock and obstruction. The special interest groups must be very proud.

These obstructionist tactics abuse the power of the filibuster. It not only violates the bedrock principle of democracy and majority rule itself but arguably offends the Constitution, as well. Indeed, prominent Democrats such as former White House Counsel Lloyd Cutler and, indeed, colleagues in the Senate currently serving, such as TOM DASCHLE, JOE LIEBERMAN, and TOM HARKIN, have condemned filibuster misuse as unconstitutional. An abuse of filibusters against judicial nominations uniquely threatens both the Presidential power of appointment and the principle of judicial independence.

Whether unconstitutional or merely obstructive of our political system, the current confirmation crisis calls out for reform. As all 10 freshmen Senators, myself included—including the distinguished Senator now presiding—stated last week in a letter to the leadership: We are united in our concern that the judicial confirmation process is broken and needs to be fixed. We believe the Senate must find an end to the downward spiral of accusations, obstruction, and delay.

In the face of this consensus that the process is broken, I stand before this body today and say, once again, it is time for a fresh start. In that spirit, the Senate Subcommittee on the Constitution yesterday held a hearing to consider proposals that have been offered to try to restore both the integrity of the confirmation process and the strength of our most cherished constitutional values. We explored and debated a variety of reform proposals at yesterday's hearing, including one from Senator ZELL MILLER from Georgia, who suggests what Senator HARKIN and Senator LIEBERMAN and 17 other Democrats did in 1995; that the 60-vote rule for any debate be reduced incrementally with each succeeding vote until the rule reaches 51 votes. There would be 2-day intervals between each cloture vote so that the whole process would last less than 2 weeks while ensuring adequate time for delay and debate, if necessary, but in the end allowing the majority to do what they are entitled to do in this body and elsewhere in a democracy, and that is to have their will reflected in the law and, in this case, in the confirmation of highly qualified nominees.

Senator HARKIN and Senator LIEBERMAN back in 1995 originally argued that this would preserve the traditions of this body while still giving the minority plenty of time to plead its case without blocking the majority forever.

Now Senator MILLER has proposed this same rule be put into place. This strikes me, personally, as the most intriguing option that has been presented. Senator SCHUMER advocates an overhaul of the judicial confirmation process entirely by eliminating the President's appointment power and instead giving President Bush and the minority leader "equal votes in picking the judge pickers." I really think this is binding arbitration and foisting off on others what should be our responsibility and what we ought to be big enough and responsible enough to solve for ourselves. But I do give Senator SCHUMER credit for offering a reform proposal. I believe it reflects his opinion, as he has stated, both in writing and orally, that the process is broken and needs reform.

Essentially, Senator SCHUMER proposes that the President and the Senate minority leader select equal numbers of members of Senate judicial nominating positions in each State and circuit who would then select one nominee for each judicial vacancy. The President would be required to nominate, and the Senate required to confirm the individuals selected by the commission absent any evidence that the candidate is "unfit" for judicial service.

While I appreciate the spirit of reform and trying to find our way out of this gridlock that I believe Senator SCHUMER's proposal represents, there are several concerns. I have stated some of them.

White House Counsel Alberto Gonzales has called the plan "inconsistent with the Constitution, with the history and traditions of the Nation's Federal judicial appointment process and with the soundest approach for appointment of highly qualified Federal judges."

Let me be clear. While I think there are problems with the proposal, I do appreciate Senator SCHUMER's acknowledgment of the problem.

Finally, Senator ARLEN SPECTER and, indeed, Senator LEAHY, the ranking member of the Judiciary Committee, have urged the imposition of strict time deadlines for the Senate to hold hearings and votes on judicial nominees. Indeed, the President has proposed the same sort of procedure. Chief Justice Rehnquist, speaking on behalf of the Federal judiciary, has also asked the Senate to ensure prompt up-or-down votes on nominees. Senator SPECTER has fleshed out his proposal and did so yesterday, again, which would call for preset time periods for a nominee to be debated in the committee and on the floor and then finally to reach an up-or-down vote.

I hope there will be more proposals. We had a panel of constitutional scholars, some of the most preeminent legal thinkers in the Nation, and I am sure there will be others. I hope there are others paying attention to this debate and who will offer proposals because I think it will take the best legal thinking. It will take a spirit of bipartisanship. It will take putting the recriminations and the finger-pointing behind us and looking forward and not backward in trying to relive some of those battles of the past for us to be able to get to closure on some reform.

What is important in the short term is that each of these intelligent and responsible Members of the Senate have acknowledged a crisis exists and urge reform of the confirmation process.

We insist that judges be fair and impartial in deciding cases and that they shall neither fear nor favor. But clearly the requirement of fairness does not end in the judicial branch of Government. It also applies to Congress and to this Senate in performing our responsibilities. It is self-evident that this standard should apply in confirming judicial nominees. Our current state of affairs is neither fair nor representative of the bipartisan majority of this body. For democracy to work and for the fundamental democratic principle of majority rule to prevail, all this debate must eventually end, and we must bring matters to a vote.

As Senator Henry Cabot Lodge once said about filibusters: To vote without debating is perilous, but to debate and never vote is imbecile.

I can tell you from personal experience as a former supreme court justice in my home State that when you put your left hand on the Bible and you raise your right hand and you take the oath of office as a judge, you change. If you were formerly an advocate, some-

one who did battle in our courts of law, representing the position of a client, you no longer are an advocate. If you were formally a legislator, someone who would argue in a body such as this for what public policy demands in terms of representing the best interests of the people you represent, once you become a judge, you are no longer a legislator; you change.

You are, instead, entrusted with a solemn duty, and that is to interpret the law to the best of your ability in accordance with the intent of the people who wrote that law. You must interpret the law as written and not as judges or lawyers or legislators or advocates or special interest groups might like that law to be written. You must interpret the law as it has been written, consistent with the legislative intent.

My hope is that this body will ultimately abide by the constitutional requirement that majorities govern in the case of these two nominees who are being filibustered. We must not, consistent with that same Constitution, impose a supermajority requirement where the Constitution requires none and where the Supreme Court and Senate traditions and the fundamental principle of majority rule dictate that a majority vote, not a 60-vote supermajority, will prevail.

We, of course, must consider the interests of our respective States and the Nation, and I think those interests should be considered above the interests and desires of the special interest groups that seem to have grabbed hold of the confirmation process and will not let it go.

We must act, and I believe we must act soon, to reform this broken confirmation process. Of course, this task falls not on others far away, not even on the President, not on the judiciary, but this responsibility falls on us as citizens, as Senators, as Americans.

Mr. President, 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. DORGAN. 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. DORGAN. Mr. President, my colleague and many other colleagues in recent weeks have spoken on the floor on the subject of judicial appointments, Federal judgeships. I want to offer a few comments on the subject, not because I think I am an expert—I don't even serve on the Judiciary Committee—but the comments that have been made on the floor of the Senate suggest to the American people that somehow one side of the Senate is blocking judicial nominations, the system is broken, it is not working, and somehow it has to be fixed. Let me see if I can at least provide some clarity.

In the summer of 1991, we had 110 vacancies in the Federal courts. That has

now been reduced to 47 vacancies. Why is that the case? Because we have been processing nominations from the White House for Federal judgeships and approving new Federal judges for lifetime appointments. We have voted. We have had votes on 123 of President Bush's Federal judges who have been confirmed. I have voted for 120 of the 123.

Incidentally, of those 123, 2 of them were North Dakota Federal judges. I recognized that the openings in the Fargo and the Bismarck district would be filled by President Bush, would be filled by Republicans. The process worked the way it should work and the way I believe it should always work in that circumstance; that is, the White House and Senator CONRAD and I worked together to find candidates, a list of qualified candidates in North Dakota from which the President would select. He then selected a candidate, a Republican, to send to the Congress to say: Here is who I believe should be the new Federal judge for a lifetime in the Fargo district. Here is who I believe should be the Federal judge for a lifetime in the Bismarck district.

He nominated both. I am proud to say I supported both. Both are wonderful lawyers. Both are going to be great judges. They both now sit on the bench. They do so with my vote, and I was proud to do it. That is exactly the way this ought to work.

Let me describe a bit about what the Constitution does say about judgeships. It says the President:

... shall nominate and by and with the advice and consent of the Senate shall appoint ... judges of the Supreme Court and all other officers of the United States. . . .

What that means is the President shall nominate and the Senate in its process shall make a judgment about whether it advises and consents to that nomination. So the President has no inherent right under the Constitution to send us a name and say: Oh, by the way, this is who I aspire to appoint to the Federal bench, district court, or circuit court, and you must accept this nominee. That is not what the Constitution says.

The Constitution says there is a two-part process: The President proposes and we dispose. The President nominates and we give our advice and consent. A President not of my political party has the right to nominate members of his political party to sit on the Federal bench. When it worked as it worked in the circumstance with North Dakota, I was proud to be someone who said: Count me in. I vote for these nominees because I think they will be great Federal judges.

When it doesn't work is a circumstance where the White House says: We don't care what you think down in the Senate. Here is a name, and we are going to shove it down that pipe, and if you don't like it, tough; we are going to fight like the dickens to get it.

You have the right to fight, I would say to the White House. You have a

right to fight for your nominees. But if you don't have a process where there is some agreement and understanding of working together on lifetime appointments, sometimes nominees are going to get snared and caught in a web down here.

We have approved 123 of the nominees sent to us by President Bush. As I indicated, I have voted for 120 of them. This so-called breakdown or collapse in the process is over two nominations at this point.

This is not new. We have two nominations that are caught in the web, and I will explain why in a moment. The fact is this web has been a much tighter web for a long period of time in which we have reduced far more than half of the vacancies in the Federal bench. Why? Because we are in the business of approving the President's nominees. In a circumstance where we have approved 123 of them, it can hardly be said that this process is broken.

But it has been broken. There were times when this process was broken. One of the judgeships, the nominations that were sent here that is caught, is in the Fifth Circuit. Let me describe what happened in the Fifth Circuit just so we have some history.

In the Fifth Circuit, from 1995 on we had three nominations by the previous administration—three nominations—Judge Rangel, Enrique Moreno, and Alston Johnson. They never got a hearing—not one hearing, not a day, not a minute. They were dead when they got here. There were going to be no hearings because there wasn't going to be a judge on the Fifth Circuit Court appointed by that administration, by the Clinton administration.

What happened? The administration changed. So did the control of the Senate for a while. Judge Clement was confirmed in 6 months; Judge Pickering had two hearings, had a negative vote in the committee. Perhaps—I guess it was a negative vote. I was thinking perhaps he pulled his nomination from consideration. But in any event, there was action in the committee for Judge Pickering.

Judge Priscilla Owen: two hearings, a vote in the committee.

Judge Edward Prado: a hearing, a vote.

Do you see the difference? Under the previous administration, the Republican Senate would not even allow a hearing—not 1 minute of hearing, let alone bring a candidate to the hearing room and have a discussion and have a vote and bring it to the floor—not even a hearing, not 1 day. That was when the system was really broken.

Now we have a circumstance where we are told that because we have two nominations on the floor of the Senate that have not moved—and I will explain why—that the system has somehow completely collapsed and we should change the rules of the Senate.

Let us take a look at the DC Circuit Court. There was not any intention to add a judge to the District of Columbia

Circuit Court under the previous administration. We had the nomination of Allen Snyder. He was never given a vote. Elena Kagen was never given a vote because they said the District of Columbia Circuit doesn't have enough work. We shouldn't add a judge to the DC Circuit. Now, all of a sudden, the administration changes, and there is room for more. We need more, and we need to add someone to the District of Columbia Circuit.

You go up and down over the recent years, and you see, in the circuit court especially, candidate after candidate who was never given a vote and was never given a hearing. That is when the process was broken and had collapsed.

It can hardly be said that the process doesn't work at this point when we have reduced the vacancies on the Federal bench by confirming 123 of the President's nominees. And I have voted for almost all of them. That is not a process that has collapsed.

Let me talk about the two that are at odds that Members have come to the floor of the Senate and talked about how the system has collapsed.

The first is Mr. Estrada. Mr. Estrada was nominated by the President to the second highest court in the land. Mr. Estrada had been asked for certain information: No. 1, to answer the questions posed to him by the Judiciary Committee when he appeared; and, No. 2, to have the information released—that is, information about his work when he was with the Solicitor General's Office.

The fact is, until and unless Mr. Estrada releases that information and provides that information, in my judgment he will never get a vote in the Senate. He just won't. One might not like that. Fine, you do not have to like that. But if we are talking about putting people on the Federal bench for a lifetime, we had better discharge our responsibility in a serious way and be serious when we seek information from a candidate. That candidate has an obligation to provide the information. If it is not forthcoming, there is no entitlement and no inherent right under our Constitution to proceed to a vote on a nominee sent to us by the President.

It is interesting that Mr. Estrada testified before the Senate Judiciary Committee the same day Judge Hovland from North Dakota testified before the committee. I referenced him before—a Republican who now sits on the bench in Bismark, ND. He is someone for whom I was proud to have voted. The same questions that were asked of Mr. Estrada were asked of Mr. Hovland that day. Mr. Hovland answered them. Mr. Estrada did not. That is why Mr. Estrada's nomination is caught in a net here in the Senate. It is why he has not had a final vote. He has not released the information from the Solicitor General's Office. He did not respond to the questions.

As soon as all of that is available to the Senate, as I have said repeatedly

on this floor, I think he ought to be given a final vote, up or down. Until that time, no Senator ought to aspire to give a final vote to a candidate, to a lifetime appointment of judgeship, or on the circuit or district court who says "I am not going to provide the information you requested." No Senator should insist on proceeding to final vote in that circumstance.

That is not discharging the obligations of the Senate.

Let me talk for a moment about an article that I read in the San Antonio Express News which I thought really described exactly the same circumstance we face here in the Senate, "A Tale of Two Texas Judges." It happens to deal with the nomination of Judge Priscilla Owen and Judge Prado. I am going to read this because I think it is important.

In the nomination of U.S. District Judge Edward Prado for the Louisiana-based 5th Circuit Court of Criminal Appeals, President Bush has found a fail-proof strategy for selecting federal judges. Prado faced no opposition from the Senate Judiciary Committee—or anyone else for that matter—because, unlike some of the President's other recent nominees, Prado is well-qualified with a long record of fairness and moderation.

Unfortunately, the full Senate will be consumed this week with bitter debate over another White House judicial nominee—Texas Supreme Court Justice Priscilla Owen, who has a different kind of record. Instead of moderation, Owen is known for her conservative activism.

Opposition to Owen was so strong that her nomination was rejected last year. This year's Republican-led Judiciary Committee resuscitated it, giving Owen a slim 10-9 party-line vote.

It is not as though Democrats are opposed to all White House nominees. After all, the same committee voted 19-0 in favor of Prado. Now Democrats in the Senate appear likely to filibuster Owen's nomination. Once again, the battle over the White House's judicial nominees is gridlocked.

To avoid this kind of partisan strife, the Bush administration should employ the Prado strategy for future judicial nominees.

That strategy is to choose moderate nominees with long experience who understand that the role of the judge is not to legislate from the bench.

There is a solution to all of this. It has nothing to do with changing the rules. In fact, I submit that when we have confirmed 123 judges submitted by President Bush—and I voted for 120 of them—this process is hardly broken. But the solution to this is for the President and Mr. Gonzales to engage with the Senate and work with the Senate with respect to the kind of nominee that we will put on the circuit court. There is no inherent right in the Constitution that says the President shall nominate and somehow the Senate must consider expeditiously every nomination.

In fact, the Republicans for years and years since I have been in the Senate refused to hold hearings—not even one hearing for nominee after nominee after nominee.

We did not hear the discussion on the floor of the Senate so much about changing the rules and the system

being broken with Mr. Enrique Moreno, who, I believe, is from Texas. I have met him. He would have been a terrific judge. Unfortunately, he wasn't given the time of day by the Senate. We have not done that. This side has not done that. The fact is that even the two nominees who are in dispute at this point had their hearings. They had their day before the committee. They had their vote before the committee. But Mr. Moreno is an example of so many others who never got any consideration at all.

Let me be quick to say that despite the miserable failure of dealing with these judgeships back in the 1990s in the previous administration, I don't think this is at all payback. I don't think this is what this is. Payback would mean we would not have approved 123 of the nominations sent to us by President Bush. We have done that because we think the selection of judges is a process that requires the opportunity for both of us to work our will. The President can send a nomination to us and we can consider that and the options that we have to deal with that nomination.

The way to avoid the pitfalls and the problems that exist with the two nominations that are causing such angst and people coming to the floor saying the sky is falling and the system has collapsed is for the President to work with the Members on the nominees they send to the Senate. There are some—not many—who are simply not going to be confirmed. It is almost automatic that this President's nominees are going to sit on the Federal bench—not quite automatic but almost—evidenced by the fact that 123 we have approved with the votes of almost all Democratic Senators.

There is a way to solve this problem. If you don't believe me, then believe this editorial which is exactly on the mark.

If they say our strategy is simple, we are going to pack the circuit courts with philosophical extremists, and they send us names that reflect the desire to pack the circuit courts with extremists, I am sorry; this process isn't going to work. This process is going to slow down and perhaps stop because, in my judgment, this Senate is not going to allow that to happen. We insist if someone is going to sit for a lifetime on the Federal bench that they be qualified and not be judicial activists who bring an aggressive agenda to the bench.

With respect to the Owen nomination, I was not on the Judiciary Committee and was not part of the hearings, but I have read the record. I have certainly heard from a lot of people who know and who have worked with Judge Owen. I have read the statement of Mr. Gonzales himself from the White House exercising his great angst at her judicial activism on the bench in Texas. But the fact is, she had her day in the Senate last year, and she was turned down by the Senate Judiciary

Committee. Now that nomination comes back to us. The fact is, she is one of those few who clearly is a very aggressive judicial activist.

The Gonzales quote is very telling to me. It is not just Judge Gonzales. That same quote about the disposition of Judge Owen and what she does on the bench in the State supreme court is not just from Mr. Gonzales, it is from a range of sources, which I think persuades many in the Senate not to want to proceed with this nominee.

But do not—do not—take the two instances of Mr. Estrada, who has refused to provide the information that is requested by the Senate, and Judge Owen, who was turned down last year by the Senate Judiciary Committee, to say somehow the sky is falling and the structure is broken and we ought to change the rules of the Senate, and how awful this is. Nonsense, total nonsense.

Mr. President, 123 judges sitting on the Federal bench are testimony to the fact that we are approving President Bush's judges. It is just that there are two who stick in the craw of people because they say we have a responsibility, somehow, to rubberstamp all these nominations. I am not going to rubberstamp anybody who is going to serve for a lifetime, especially on a circuit court. If they are not going to provide the information, then they ought not sit on the Federal bench—simple, just open and shut. It has nothing to do with politics, nothing to do with Republicans, nothing to do with Democrats. If you don't provide the information, you are not going to sit on the Federal bench.

Maybe those of us who think that way are in the minority. If so, eventually, I guess, those people will get to the Federal bench. They will say to Congress: I'm sorry, I have a Presidential nomination, and I have no obligation to give you additional information. If there are enough Senators who believe that is discharging our responsibilities, by saying, yes, sir, absolutely, well then maybe these nominations will happen, but they won't happen with my vote, not with a Republican or with a Democrat.

This is what Judge Gonzales said. In Jane Doe, Judge Alberto Gonzales—incidentally, a then-supreme court justice, who is clearing these nominees through the White House—stated that to interpret the law, as Justice Owens did in this case “would be an unconscionable act of judicial activism.”

I will tell you what. It is not just this phrase. If we had time and I had the interest, I would show you other examples of exactly this sort of activism which persuades me this is not the kind of judge I want to put on a circuit court.

Let me make the point, once again, that the Constitution provides two things: The President shall nominate, and the Senate shall advise and consent. If a President, any President, decides he is going to try to stack a cir-

cuit court with people of extremist views, then this Senate—I guarantee you, this Senate—whether it is Republicans against a Democratic President or Democrats stopping a Republican President—this Senate is going to say: I am sorry, it is not going to happen.

Perhaps we should get a long list out here, perhaps a list of 123 names. We could start with North Dakota with Justice Erickson or we could start with any one of a number of the others on that list of 123 who are now Federal judges because President Bush said, “I want them,” and because the Senate said, “You bet. We have taken a look at these judges and they deserve to be on the Federal bench.”

Perhaps going through 123 of them, reducing the number of vacancies by well more than half, we would define that as success rather than a calamity. But if we do not want to take a look at the success, then let's take a look at the two who exist that are causing these problems and these difficulties.

I will tell you, we have, in my judgment, every right to say to the President, in these circumstances: Work with us to send us nominees who we can put on the DC Circuit, who we can put on the Fifth Circuit. Work with us to do that, just as you worked with us with 123 other Federal judges who now are on the Federal bench.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield for a question.

Mr. REID. During the years when President Clinton was sending nominees down here, there was a period of time when the Democrats controlled the Senate. Does the Senator recall that?

Mr. DORGAN. That is correct.

Mr. REID. If that were the case, every person he sent down would have been approved, is that right, using the logic used by the majority now?

Mr. DORGAN. Right.

Mr. REID. The fact is, a relatively small percentage of the people he sent down were approved because the Republicans did not like the people he sent down; is that right?

Mr. DORGAN. That is correct.

Mr. REID. Now, I personally disagreed with what the Republicans were doing at that time.

The PRESIDING OFFICER. The Senator has used his allotted time in morning business.

Mr. DORGAN. Mr. President, what is the allotted time under morning business?

The PRESIDING OFFICER. The allotted time is 10 minutes.

The Senator from Nevada.

Mr. REID. Mr. President, under my time, I will ask the Senator a question and would appreciate him responding.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. He yielded the floor. Of course I have the floor. Who else has it? He yielded the floor. I asked permission to be recognized.

The PRESIDING OFFICER. The Senator from North Dakota is out of time. Mr. REID. I know. And I asked—

The PRESIDING OFFICER. The Senator from Texas.

Mr. REID. What do you mean: "The Senator from Texas"? I asked to be recognized, and I was recognized. What do you mean: "The Senator from Texas"? What are you talking about?

The PRESIDING OFFICER. I recognize the Senator from Nevada.

Mr. DORGAN. Mr. President, might I ask a parliamentary inquiry for the moment? I now understand we were under a period of morning business. When I came, the Senator from Texas was speaking, I assume, perhaps, under morning business as well. I don't know whether I consumed more time than he did or whether it was about even. Could you tell me how much time the Senator from Texas used?

The PRESIDING OFFICER. The Senator from Texas asked to speak for 20 minutes and did speak for 20 minutes.

Mr. DORGAN. Mr. President, how much time did I consume?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DORGAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, thank you very much.

Now, if the Senator from Texas wishes to go someplace or something, I would be happy to yield the floor to the Senator. I don't have much to say, but I have a few things to say.

Mr. CORNYN. Certainly. I would like the opportunity to respond to some of the remarks of the Senator from North Dakota.

Mr. REID. Fine. I will not be long at all. I appreciate that.

I say to my friend from North Dakota, the point I was making, when the Chair indicated time was up, was that there were procedures by the majority that stopped President Clinton's nominees from going forward. Does the Senator recall that?

Mr. DORGAN. Yes, including filibusters, of course.

Mr. REID. I recall, very clearly, there were hearings not held in the Judiciary Committee; is that right?

Mr. DORGAN. Well, many of the nominees never got a hearing—ever—under any circumstance.

Mr. REID. And we, the minority at the time, did not like it, and we had a Democratic President; is that not true?

Mr. DORGAN. That is correct.

Mr. REID. I also ask the Senator this question: During the time you have been in the Senate and I have been in the Senate, we have seen changes of the majority—whether it was Democrats or Republicans—it switches back and forth; is that right?

Mr. DORGAN. Yes. The Senator is correct, yes.

Mr. REID. Now, I say to my friend from North Dakota, in the form of a question I ask you to respond to, we

did not like what happened, but the Senate went on just fine; the country survived; did it not?

Mr. DORGAN. Absolutely. I remember Mr. Paez, who is now a Federal judge, his nomination was here 1,500 days. I remember the number of times people came to the floor of the Senate expressing great angst about that. It took forever.

But unlike Mr. Paez, many nominees never got a hearing, let alone a vote, never got called to Washington, being told: All right, your nomination is before the Senate. This is the date of your hearing. Many nominees never ever got a hearing.

But I say to the Senator from Nevada, this ought not be, and should never be, payback for "this side did this, that side did that, so for the last 20 years, let's get even." That ought not be what the case is. And I demonstrate and I assert it is not the case because we have approved 123 of President Bush's nominations. I said: I am proud to do that. I was proud to support the two Republican nominees from North Dakota because I think they are terrific judges.

I think we have had great success here. I admit that there is a hangup with two of the judgeships.

I say to my colleague from Texas, who spoke before I did, I do not mean to be pejorative about this. I do not mean to question anyone's motives. I only say that when one asserts that the sky is falling, the system is broken, and nothing is working, there is another view. I was trying to express another view, respectfully.

I respect the opinion of the Senator from Texas, but I have a very different view about our responsibilities, our obligations, and our accomplishments with respect to these nominations.

If I might make one additional comment, I say to the Senator from Nevada, I am not on the Judiciary Committee. I do not pretend to be an expert in these circumstances with these issues. I have studied enough and learned enough to know that many of the nominations that are sent here have been excellent. I have been proud to support them.

But I also understand there are circumstances where we have an obligation and a right to assert our rights. That is exactly what is happening in two circumstances that I think have caused great angst among some and caused them to say the sky is falling. But the sky is not falling at all.

Mr. REID. Mr. President, I simply wanted to acknowledge the statements of the Senator from Texas and the Senator from North Dakota. I am trying to make a point that things change around here: Democrats are in control; Republicans are in control. The Democrats will be back in control of the Senate sometime. It may not be in the next election cycle; it may not be in the next election cycle, but it will happen. We will be in control sometime, and we will have a Democratic Presi-

dent sometime. I think we have to look into the future, that we don't jam the system.

I appreciate very much the Senator from North Dakota indicating this is not payback time. When we took control of the Senate, we said at that time, this is not payback time. We have proven that. There have been hearings held. If there is somebody who has been held up, that should be brought to the attention of the body. Senator DASCHLE and I have stated on many occasions that this is not payback time. If it were, things would be in desperate shape.

We have approved a lot of judges that don't meet what many people over here feel is in the best interests of the country, but we have felt that the President has to have great leeway in the people he has chosen. That is indicated by the 123 we have approved.

I understand the power of concern of the chairman of the Judiciary Committee, Chairman HATCH. His feelings about Miguel Estrada have been made very clear. I know Senator HATCH. I know how strongly he feels about this matter. But I would hope that those on the other side will understand that Miguel Estrada's problem could be solved so easily. Let us see the documents from the Solicitor's Office, and I think it could be solved very quickly.

With Justice Owen, it is a different problem. But remember, we are talking about 123 to 2. I don't think it is fair to try to tell the American public that the system is broken. I really don't think it is.

I want also to apologize publicly for raising my voice to the Chair. I rarely do that. I did and I apologize to the Chair for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I will take a few moments to respond to some of the comments made by the Senator from North Dakota and the Senator from Nevada.

First, I certainly respect their right to have an opinion and to express an opinion that this system of judicial confirmation is not broken. I disagree with them. Reasonable observers, outside of the bubble in this Chamber and perhaps inside the beltway, looking at this system will say: The system is broken and disagree with them. Indeed, to date, over 134 editorials in 94 newspapers have called for the confirmation of Miguel Estrada and Priscilla Owen and have called for an end to the filibuster. Indeed, the preponderance of the views is in favor of those who believe that the system is broken and sorely in need of reform.

I pointed out the bipartisan letter of the 10 freshmen. I pointed out even Senator SCHUMER and others who have been here for quite a while believe the system is broken. So I think we need a fresh start.

In many ways, the Senator from North Dakota makes my case for me.

When he goes back through all of the grievances of the past in the judicial confirmation process, real or perceived, he says the system was broken back then but it is not now.

He also says that because Democrats have voted or allowed a vote—they haven't necessarily voted for them, but they have allowed a vote—on 123 of the President's judicial nominees and disallowed votes on only 2, that it somehow makes it all right.

There is an important point that needs to be made. When 123 of President Bush's judicial nominees have been confirmed and 2 have been blocked by unprecedented filibusters—and please understand there has never been a filibuster before, a true filibuster of judicial nominees before in the history of the Senate before Miguel Estrada and Priscilla Owen—how can some of these same people stand on the floor of the Senate or in the Judiciary Committee or in front of TV cameras and say President Bush is nominating only ideologues. Back in my State, some of the names I have heard these nominees called would be fighting words. If somebody called you some of the names I have heard these nominees called, indeed the President for nominating some of these same people, those would be simply fighting words.

We are not fighting here today. I am simply trying to make the point that the sort of harsh, shrill, unreasonable, emotional allegations being made by some of these special interest groups that are being repeated by some Members of this body when it comes to these nominees simply don't stand up to any test of reason.

Two years for a judicial nomination is not a sign of a healthy judicial confirmation process. It is a sign that the system is broken and needs to be repaired.

I yield to the distinguished Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Texas, if he will yield the floor and let me get the floor, we will do this very quickly.

Mr. CORNYN. I am happy to do so.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST— H.J. RES. 51

Mr. MCCONNELL. Mr. President, the assistant Democratic leader and I have been working over the last few hours to come up with a consent agreement with regard to handling the debt limit. We have now reached agreement.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be

in order on either side; that upon disposition of all amendments, the joint resolution as amended, if amended, be read the third time, and the Senate then vote on passage of the joint resolution without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. Would the Senator from Kentucky withdraw his consent at this time?

Mr. MCCONNELL. Mr. President, I withdraw the unanimous consent request for the time being.

I yield the floor.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I have some further remarks I want to make with regard to the Owen nomination. I know there are other Senators who will be coming to the floor. I certainly want to give them an opportunity to speak on that subject if they wish.

As I was saying, the comment of the Senator from North Dakota that 123 Bush judicial nominees have been confirmed and only 2 obstructed, as these 2 fine ones have been, and that is a sign that the system is not broken really is at odds with the caricature I have heard and the Nation has heard about the type of person President Bush has nominated for judicial office. The truth is that they are uniformly highly qualified, able, and experienced, and should be, and are the same type of people who should be confirmed; and why they have picked out these 2 nominees against whom to engage in an unprecedented filibuster is, frankly, beyond me.

I see the Senator from Kentucky and the Senator from Nevada here. I yield the floor to them.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 51

Mr. MCCONNELL. With apologies to the Senator from Texas for the interruption, we would like to try one more time to reach an agreement on something Senator REID and I have been working on for the last few hours.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution, as amended, if amended, be read the third time, and the Senate then vote on pas-

sage of the joint resolution, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 113

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, Calendar No. 32, S. 113, the Foreign Surveillance Act, be referred to the Senate Intelligence Committee and that the committee be automatically discharged from further consideration of the measure and the Senate then proceed to its immediate consideration under the following limitation: That there be 2 hours of general debate equally divided between Senator KYL and Senator SCHUMER, or their designees; that the only amendments in order, other than the committee-reported substitute, be the following: Feingold amendment regarding reporting be considered and agreed to; Feinstein amendment regarding permissive presumption, with 4 hours of debate equally divided.

I further ask unanimous consent that following the disposition of the above-listed amendments and the use or yielding back of the debate time, the committee amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage, with no further intervening action or debate.

Further, I ask unanimous consent that following passage of the bill, the title amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, on the paragraph indicating the Feingold amendment regarding the report being considered and agreed to, is there any time on that?

Mr. MCCONNELL. No.

Mr. REID. No time. Just reported and agreed to. No objection.

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

Mr. MCCONNELL. Mr. President, I apologize again to the Senator from Texas for the continued interruptions. I have no anticipation that I will be doing that again.

The PRESIDING OFFICER. The Senator from Texas is recognized.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I notice the Senator from Alabama is here, and I believe he wants to speak on the Owen nomination. I will turn the floor over to him in a few minutes.

There are a couple of things I want to finish responding to regarding what the Senator from North Dakota and the Senator from Nevada have said, and the way they characterize Justice Owen—as an activist, as somebody who is out of the mainstream, and in terms of judicial qualifications.

I just point out that the picture they paint is totally at odds and inconsistent with the fact that Justice Owen has broad, bipartisan support in the Senate, and it is only a narrow minority of the Senate that is blocking the bipartisan majority from actually voting. To me, that is not evidence of an extreme position or somebody who is out of the mainstream.

I point out and remind my colleagues that former Texas Supreme Court justices, Republicans and Democrats, a long list of former Presidents in the State bar of Texas, Republicans and Democrats, have endorsed her confirmation. That is hardly evidence consistent with the portrait that her detractors are attempting to paint and that was painted by the Senator from North Dakota just a few moments ago. In her last election, 84 percent of the voters in Texas voted for her reelection—hardly consistent with the picture of an extreme, out-of-the-mainstream person and nominee.

I will tell you that in 2000 virtually every major newspaper in Texas endorsed her reelection. Here again, that is not consistent with the portrait being painted today by her opponents.

Let me finally address the issue on which Justice Owen has been criticized, and that is the Texas parental notification statute. I point out to my colleagues that Justice Owen had no choice but to interpret the Texas parental notification statute as adopted by the Texas Legislature. She had no choice. She did her best. I think it is a record of which she and the Senate can be proud.

But I think some of the arguments against this nominee are really wolves in sheep clothing. In other words, I think some of the special interest groups that are opposing Justice Owen's nomination really object to the Texas parental notification statute—a statute which I strongly support because I believe it protects parental rights, in order to at least be involved in one of the most serious and profound decisions that a young girl may have to make in her young life, when under Texas law, if she wanted to get her ears pierced at a doctor's office, she could not do so without parental consent.

This law does not require consent; it requires notice to at least one parent before a minor child decides to get an abortion. As I say, I think a lot of the arguments being made against Justice Owen and this nomination are really masked by an underlying objection by some of these special interest groups to the fact that Texas has—like the vast majority of States—a parental notification law. Eighty-four percent of the American public supports parental rights and laws requiring that a minor child give notice at least to a parent before getting an abortion.

The U.S. Supreme Court has upheld the validity of those laws as not impeding access to an abortion, but merely involving a parent and letting a parent know. Of course, if for some reason,

within the letter of that law, a parent cannot be notified, or should not be in the eyes of a judge, there is a judicial bypass provision, and that was exactly the law that Justice Owen was duty-bound to interpret as a member of the Texas Supreme Court in dealing with that Texas parental notification statute.

Justice Owen, in a vast majority of those cases, voted with a majority of the court and dissented from the majority less often than two other justices on that same court.

I would point out that the author of the Texas parental notification law, Senator Florence Shapiro, supports Justice Owen's confirmation.

One other point. I hope we can finally put this issue to bed because it seems as if it gets trotted out every couple of days when it comes to the Owen nomination, and that is the allegation that Alberto Gonzales, White House counsel, formerly a member of the Texas Supreme Court who served with Priscilla Owen, accused her of judicial activism. That is just not true. That is not the fact, and anyone who cared enough about the issue would certainly read the opinions that are referred to by those who are making that fallacious claim.

What happened in that case is some members of the court accused Judge Gonzales of misreading the statute. He stated it would be judicial activism for someone to change the law to suit their own personal beliefs. He did not say Judge Owen had done that.

To me, that settles the issue completely. Here again, you find the facts more divorced from what is happening, what is being said as you see a person, a fine, decent person, a highly qualified candidate for this judicial office, being attacked unfairly. As you see the facts twisted and this caricature again being painted, it bears no relationship to the facts.

I remember Senator ARLEN SPECTER the other day, I think it was in the Senate Judiciary Committee, saying it is clear the Rules of Evidence that apply in court that somebody speak from personal knowledge, that it be trustworthy, it be credible, do not apply to statements made on the floor of the Senate or in the Senate Judiciary Committee. People repeat facts other people say that may be completely wrong or by people who have a motive to bend the truth.

Justice Owen, has been a victim of people who have bent the truth or who care nothing for the truth and who care only for defeating this very fine nominee by our President for this judicial office.

Mr. President, we are not going to give up the fight to have a bipartisan majority of the Senate vote on either Judge Owen's confirmation or on the confirmation of Miguel Estrada. As we heard yesterday before the Senate Subcommittee on the Constitution, constitutional scholars said there are serious constitutional problems with the

argument that somehow the cloture rule, which requires 60 votes to cut off debate, can trump the Constitution, which requires only a majority vote.

Senator SPECTER yesterday alluded to something called the nuclear option. He said he was not going to talk about it. All I wish to say is we are not going to give up, and I will not give up when I see a good person, an honest, a decent person who has worked hard, who has risen to the top of the legal profession, who has become a judge and excelled in her job as a judge, who has been faithful to the oath she has taken to interpret the law and not to be a superlegislator or be a legislator wearing a black robe, I am not going to stop as long as it is possible to do anything within my power to see her confirmed and to see that justice and fairness be provided to this good and decent person.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas. He knows Priscilla Owen. He served on the Texas Supreme Court. He served as the attorney general of Texas. He knows the legislators who passed the laws in Texas. He knows Justice Owen's history and the respect she has in the community. One can sense his feelings of how bizarre it is to have this wonderful woman, who is popular throughout the State, with 84 percent of the vote, unanimously well-qualified rating by the American Bar Association, attacked and have people come to this body and say she is some sort of extremist. It is really a sad day.

My colleagues on the other side say: We are only objecting to two nominees. Why would they pick Priscilla Owen to be one of the two? Justice Owen is so marvelous. They say she was turned down last year. That was when we had an interlude in which the Democrats had the majority in the Senate and they had a majority in the Senate Judiciary Committee. That committee, on a straight party-line vote, voted down this wonderful candidate, Priscilla Owen, for the Federal court, on a straight party-line vote.

That was not done in the 8 years President Clinton was in office when Republicans had a majority. Republicans never voted down one of his candidates on a straight party-line vote. We ought to think about that.

Senator CORNYN is a tremendous addition to the Senate. The Priscilla Owen matter was raised in his race. It was a matter he discussed, and the voters voted for Senator CORNYN to be their Senator, and he was on record as supporting her nomination.

Now that he is here and helped give us a majority, we moved her out of the committee. She really was not voted down in committee. She was blocked in committee. They tried to keep her nomination from reaching the floor of the Senate, where it could be voted up or down and succeed, until the majority changed.

It is frustrating to me to hear the Democratic Members of this body say: Miguel Estrada can be confirmed or we can move him up for a vote as soon as he turns over all of his records, all the memoranda he wrote while he was at the Department of Justice.

The Presiding Officer, the Senator from Minnesota, is a skilled attorney. He knows these issues. When a lawyer works for a client, the records are the client's records; they are not the lawyer's records. A lawyer cannot pass out his memoranda to his client without the client's permission.

In this case, Miguel Estrada had a client. His client was the United States of America, and his duty and responsibility was to give his supervisors in the Department of Justice—4 of his 5 years he was in the Department of Justice were during the time President Clinton was President of the United States. So his memoranda went to Clinton appointees and their people. They said just turn them over.

This is a big deal. I served almost 15 years in the Department of Justice. It was a great honor for me to hold that position. I think it is the greatest, most honorable law firm in the world. It was great to be there. They are good lawyers. They follow the law.

The Department of Justice should never give over their internal memoranda on a fishing expedition like this just to try to buy votes in the Senate to get somebody confirmed. They should stand firm, and the heat needs to be on those who ask for these records to be turned over.

It was said that some of those records have been turned over in the past. I remember one Senator waving around the documents saying it had been done before. I got them out of the RECORD. I determined that it was the Robert Bork nomination.

Most Americans who have been around a few years remember the Bork deal. He was the Solicitor General of the United States and was moved up to Attorney General.

He fired Elliott Richardson, the midnight massacre, and the Senate had a specific inquiry.

When Bork was in the Department of Justice, they wanted to know about the memoranda he had written involving Watergate, which raised questions of ethics and impropriety and misconduct.

It is quite a different thing if a Member of this Senate says, or this group of Senators say, we want certain records, and those records are records that may give light on a specific wrongdoing that has been alleged to have occurred; there is some sort of concern over an act of wrongdoing which has occurred, but they did not suggest Miguel Estrada was involved in a single act of wrongdoing. They just said: We want to see every memorandum he wrote to the Department of Justice, memoranda owned by the Department of Justice, part of the Department of Justice's work product, part of their decision-making process.

They should not turn it over. These Senators, some of whom are lawyers on the other side, know that, and they ought not to be asking for that. I do not believe they would accept it if Republicans were asking for it in the same circumstance. We have to have a certain amount of collegiality, we have to have a certain degree of fairness and respect for proper procedures, and it is disrespectful of the whole governmental process to insist that the work product of the Department of Justice, in a blanket fishing expedition, needs to be turned over to Senators in exchange for getting an up-or-down vote for a highly qualified nominee.

I am not pleased with what is going on. We all remember well when President Bush was elected and the Democrats had a Senate retreat, and one of the things they discussed was what to do about nominations. They had three well-known liberal professors known throughout the country, Laurence Tribe, Marsha Greenberger, and another lawyer lecture them. These liberal professors told Senate Democrats that they ought to change the ground rules, that they do not need to do like we have done for 200 years since America's founding. It is clear to me that as a result of that conference, somewhere along the line a majority of the Democratic Members of this body agreed, and they have changed the ground rules of confirmations in a way that has never been done before.

In committee, they voted down two nominees on a straight party line vote. They said we ought to change the burden of proof and put it on the nominee. They made a number of other allegations and changes in the process that they said ought to occur. They asked to strengthen the blue slip policy that gives an objecting home State Senator power to block a nomination. When President Bush was elected, they had a meeting and demanded that they have more power.

At the same time, they complain in this body about nominees who did not move because of the traditional exercise of the blue slip. They wanted to have even more power to block nominees of President Bush than existed to block President Clinton's nominees. So it is a frustrating thing.

The most dramatic and historical change of the ground rules occurs when this body engages in filibusters. I noticed they said Mr. Paez was held up 1,000 days. Well, Priscilla Owen and several others are at about that number right now.

How did the Paez matter come to a vote? In my strong view, Paez should never have been confirmed as a Federal judge based on the record we had. I opposed his nomination. But how was it brought up? How do you deal with a hold? You move for cloture. It is a process. No filibuster was ongoing. It just was not being brought up for a vote.

The majority leader of the Republican Party, TRENT LOTT, moved for

cloture. I voted for cloture even though I opposed the Paez nomination. Cloture was voted overwhelmingly. Why? Because we did not believe that filibuster was an appropriate remedy for dissatisfaction over a judge. The Republicans believed that a judge should not be filibustered. It has not been done for a circuit or a district judge since the founding of this country, until our colleagues on the Democratic side have now openly filibustered Priscilla Owen and Miguel Estrada.

If they were to say, this is an extremist judge who lacks qualifications, and those sorts of things, maybe we ought to be able to use that power. But that is not the case with these two judges.

These two judges were rated by the American Bar Association. The American Bar Association is an institution that on legal and social issues is, I think, consistently to the left of the American people and the Senate. For example, they oppose any laws restricting abortion and they take a number of very liberal positions on social issues. But the American Bar Association is an entity that understands what the legal practice is about.

They can go out in the community pretty quickly and determine if someone is irresponsible or an extremist. They will rate them accordingly. Well, the American Bar Association has done in-depth background checks on Miguel Estrada and Priscilla Owen. As I recall, they have one person who does a lot of the work. They talk to all of the judges before whom the lawyer practices. They talk to the opposing counsel, co-counsel. They talk to the leaders of the bar in the community. They talk to just about anyone who would have an opinion on them.

They talk to civil rights leaders. They always talk to minority representatives to make sure they have broad-based feedback. Then there are 15 or so of them who meet and evaluate this nominee, and they issue a rating.

With regard to Priscilla Owen, a justice on the Texas Supreme Court, elected with 84 percent of the vote last time, they unanimously rated her the highest rating they give: Well qualified.

Miguel Estrada, editor of the Harvard Law Review, clerked for the Second Circuit Court of Appeals, clerked for Justice Anthony Kennedy on the Supreme Court of the United States, something very few lawyers ever get to do in their life—it is one of the highest honors one could have—they interviewed all the lawyers and all the people, including, I am sure, people in the Clinton Department of Justice where he worked, and they rated him unanimously well qualified, as both of them should have been.

So this talk that they are somehow extremist is just not right. When we see a woman of such good demeanor as Priscilla Owen displayed during her confirmation process—she took all of those questions, many of them based on false premises, with great skill and

aplomb, I thought, and handled herself well, as did Miguel Estrada—this is a very unsatisfactory time in this Senate, when now for the first time in the history of America we have filibusters of circuit judges. This is not about a judge who some lawyers think has an integrity problem. Nobody has suggested that. They are not nominees who people think are somehow unqualified intellectually, or they have lack of experience or lack of ability to do the work. These are the best of America.

Many of us have asked, why would they pick these two nominees? It seems one reason we keep coming back to—and it is so bizarre, I hate to repeat it almost—is that both of these nominees are clearly worthy of serious consideration for the Supreme Court of the United States. They are so fine and have such a marvelous breadth of experience and record of accomplishment in their lives that both of them ought to be on any shortlist for the Supreme Court of the United States. So is that why we are having an objection? They are too good, too qualified, too capable, too intelligent? I do not know, but something is awry when the filibuster is used against people of this quality. I feel very strongly about that.

I agree with Senator CORNYN, and I am glad he is having hearings about it. I am glad he is inquiring into this because he has the judicial experience, integrity, and capability to maybe help us work our way through this maze. Maybe we can figure out a way to get around this. We certainly know the Constitution of the United States, clearly, in the case of advise and consent, will be by majority vote. It is very difficult to interpret it any other way.

Let me say a little bit more about the sterling qualities of Priscilla Owen. She finished at the top of her class at Baylor Law School and aced the Texas bar exam. She made the highest possible score on the Texas bar exam. What better proof of legal ability objectively analyzed than by the tests you take for a bar exam. She passed that with flying colors, with the highest possible score. She was a partner at one of Texas's finest firms, Andrews and Kurth, when she ran for the Supreme Court in 1994. She practiced and litigated for 17 years and was recognized as one of Texas's finest lawyers; not some office clerk who never went to court, but a litigator who was out in the courtrooms in the Federal court and the State court trying cases and developing a reputation of excellence.

She is a member of the American Law Institute, the American Adjudicatory Society, the American Bar Association, a Fellow of the American and Houston Bar Foundations. She was re-elected to the Supreme Court in 2000, garnering 84 percent of the vote. She spent so little money in her campaign, despite her big win, that when it was over, she had a good bit of money left. She did something I have never heard of a politician doing: She went back

and checked her contribution list and sent back everybody the money they gave to her. There is certainly no Senator who has done that. We like to keep our campaign account, thinking we may need it again some time. That was a voluntary action on her part that demonstrates her high character and high standards.

She serves as the liaison to the Supreme Court of Texas court and mediation task force and the statewide committees on providing legal services to the poor and pro bono services. This mediation task force, I know, causes grief to some of our aggressive litigators, but mediation is a growing method of settling disputes, short of full-fledged and highly expensive litigation. She has been at the forefront of that. I have not heard anyone complain about that.

I ask myself, What is it people would complain about? Is it because she is looking for ways to reduce the costs of protracted litigation?

She was part of a committee that successfully encouraged the Texas legislature to enact legislation that has resulted in millions of dollars a year in additional funds for providing legal services to the poor. She does not just sit there in the office and write opinions. She cares about justice. She wants to make sure everyone has a good day in court. She participated in a committee that raised millions of dollars to help the poor have better legal counsel. That is important. This is some extremist we are talking about?

She serves as a member of the A.A. White Dispute Resolution Institute. She was instrumental in organizing a group known as Family Law 2000 which seeks to find ways to educate parents about the effect of a dissolution of a marriage, the effect on their children, and to lessen the adversarial nature of legal proceedings when a marriage is dissolved. That is important. A lot of parents get so caught up in the anger at their spouse. They have to realize that children are completely baffled by this. They are watching this fight going on with the parents, both of whom they love, and they want to be together, and it is a painful experience. The legal system and the court system of America needs to do a better job of thinking about the impact of these hostile, aggressive divorce proceedings on children. She took a lead in that. This is an extremist?

Among other community activities, she serves on the Board of Texas Hearing and Service Dogs for the blind. She is a member of the St. Barnabas Episcopal Mission in Austin, TX, where she teaches Sunday school and is the head of the altar guild. Is this an extremist Episcopalian? That is a contradiction in terms.

She earned her BA from Baylor and graduated cum laude from Baylor, and was a member of the Baylor Law Review. She was honored as the Baylor Young Lawyer of the Year and as a

Baylor University outstanding young alumni.

That led up to her sterling career and practice, her election to the Supreme Court of Texas, her nomination by the President of the United States, who is from Texas and knows her and knows her record. He nominated her for consideration by this body which led to her eventual rating by the Bar Association of America, unanimously well qualified. I am proud of her in that respect.

They complain about these parental notification cases. In Texas, the law of Texas is a modest law. It says before a child can have an abortion, before they can be taken off someplace by some older boyfriend to have an abortion—and too often that is what the cases are—they at least ought to tell one parent. If they choose not to do that, they can go to court. If they have a good reason why they should not tell either parent, the court will allow them not to do so. It is called parental notification law. I think it makes sense. Virtually overwhelmingly, the American people support that; 80 something percent of the people support that. In Texas, you cannot get your ears pierced or a tattoo without parental consent—not just notification. So for Heaven's sake, it should not be considered extreme to require notification prior to an abortion. The Supreme Court of the United States has upheld these laws.

Let me give the hard facts on these cases. The way it works in Texas, a child goes to a court and says: I don't want to tell my parents; they might get mad. The judge has a hearing. If the judge disagrees and says: No, you need to tell one of your parents; we believe you can tell your mother, you should tell your mother before you undergo this procedure, if you want to go forward, you can, but you should tell her. Then, if the young person is not happy with that, they can appeal. They take the appeal to the court of appeals in Texas, a three-judge court, and that three-judge court reviews the opinion of the trial judge. If the trial judge said the young person did not have to tell the parents, there is no appeal. It is over. The case will never even get to the court of appeals unless the trial court says no, you must tell your parents. If the court of appeals overrules the trial court, the case ends there.

If the appellate judges after reviewing the record of the trial court conclude the trial court was correct and affirms that decision, then the young person can appeal again. In this case it would go to the Texas Supreme Court where Justice Owen sits.

By the time it has gotten to the court, a trial judge has ruled notification is appropriate, and a three-judge intermediate appellate court of Texas has ruled it ought to be done.

These are the numbers. Justice Owen agreed with the lower court opinion and voted to require parental notification in 10 of the 14 cases. She voted to

reverse the lower court and grant the exception outright two times. She voted twice to just flat reverse the lower court and say the young person is entitled to an exception—on 2 of those 14 cases. And on 2 cases she did not believe the lower court had done it correctly, had not heard the case fairly, and sent it back down for further hearings on the facts.

In my experience as a litigator who has been involved in trying a lot of cases, that is about the percentage you would expect. You would expect that by the time a case has gone through two levels that the lower courts are probably right most of the time.

So I just don't think that is an extreme record at all. I cannot believe they continue to persist in arguing she is somehow a judicial activist. As Senator CORNYN has pointed out, that was a reference to another judge's dissent; not her opinion even. It was unfair to say Judge Gonzales has said she was an activist. It is not so.

As a matter of fact, I would add this: They say this lady is an extremist. She is not fit for the Federal court because she has not voted right on these parental notification cases. It is almost humorous to think about it. But she voted with the majority of the Texas Supreme Court in 11 of the 14 cases before that court. The full court voted to require parental notice in 7 cases and to grant the exception outright in 3 cases and to remand 4 cases.

These are just excuses, for some reason, that are out there that have been used to block her. They do not withstand rigorous analysis.

One more thing. Let's say she made a mistake. I don't know how many hundreds of cases she has heard on the supreme court. But the American Bar Association and the legal community in Texas, they know her. After a while you form an opinion of a judge and a lawyer. You have an opinion as to whether or not they have good judgment, whether they are capable, whether they work hard, whether they have integrity. Even if they make a mistake somewhere along the line in a case, that is not disqualifying. Any judge who ruled on thousands of cases is not going to be mistake free.

I would say she has done extraordinarily well. We ought to listen to the opinions of those who know her, like Senator—Judge—CORNYN, her former colleague on the court; like all the major newspapers of Texas; like the American Bar Association; like her colleagues on the bench; and like President Bush, who knew her in Texas. She is qualified to an extraordinary degree and would make a magnificent circuit court judge and should be confirmed. We ought not to be in the midst of a historic filibuster on any nominee, really, but particularly this one.

I thank the Chair and 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. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

NATO EXPANSION

Mr. SESSIONS. Mr. President, we are waiting for wrap-up. I would like to make a few brief remarks in support of the provision offered by Senator WARNER and Senator LEVIN and others that deal with the expansion of NATO, and in particular, the rule of consensus in NATO.

NATO is now 26 countries. It is a group that has provided a bulwark for freedom and liberty against the totalitarian Communists of the Soviet Union and their footstools they dominated in Eastern Europe. They stood firm for a half century, and we have lived to see the collapse of the wall, collapse of the Soviet Union, and freedom spread across Eastern Europe. It is one of the great events in all of history, maybe the highlight of the 20th century.

The NATO alliance has a rule called the consensus rule. It says:

In making their joint decisionmaking process dependent on consensus and common consent, the members of the alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

That is the rule. We have gone up in numbers. We are going to add more members now. We are probably going to go over 30 members. As a result, we have to ask ourselves what is this unanimous group? What happens if a country goes bad? What if the Communists take back over one of their former footstools they ran over in Eastern Europe? What if a Milosevic takes over a country and rejects the ideals of NATO? What if some radical religious party takes over a country and leads it on the wrong road? What if a Saddam Hussein, a fascist-type government, takes over one of these countries? We are not able to act anymore? We have to sit here and stop all of NATO's legitimate actions?

What this amendment would do is ask the NATO alliance to talk openly and honestly about this problem. It does not require anything. What it requires and asks is the NATO ministers meet and discuss this rule and see if they want to keep this rule.

It focuses on a couple of questions. One is should you always have to have a unanimous vote? I remember very distinctly after the Kosovo effort, which was mainly driven by our air power, the commander of the American Air Force who directed our air campaign against Kosovo, answered some questions I asked him.

I asked him if the unanimous rule and consent requirement hinder his selection of targets.

He said: Yes.

I said: Did that hindrance delay the successful outcome of the war? Did it cost more lives of Kosovo citizens and Serbian citizens? And did it endanger American lives?

Yes.

Why did this happen? The NATO group approved even the targets our Air Force were selecting before they committed their flights over Kosovo. This is not healthy. This is not a good way to run a war. Now we are going to have 30-plus nations, some of which may have ethnic or political or weird ideas, and they may object to targets. They may object to tactics.

We had an incredible 11 days to figure out a way to get NATO to vote to support Turkey, in case Saddam Hussein attacked Turkey. Some have said that was a good record. Eventually they did get the agreement, but they had to move outside the political NATO to the military NATO. That means France is not in it. You know France is not even a part of the military NATO compact. So they got out of the political NATO and finally got our people all to agree to defend a NATO member against Saddam Hussein. It took 11 days to do so.

I would say to my friends in the NATO alliance, we are so proud of this alliance and what it has achieved. We are proud of the commitment and high ideals that NATO has set for that region and throughout the whole world. But we are a little nervous. We think it is about time to think through this consensus rule.

I don't want to stir up anything. I don't want to say that we don't respect any one nation's vote in NATO nor give it great respect. But I do think that a mutual respect to the United States' overwhelming majority of NATO would be to ask questions: Wait a minute. What kind of mechanism could we do that would protect small nations, and that would protect the minority of nations but allow NATO to act legitimately even without an absolute unanimous vote?

I think Senator WARNER, Senator LEVIN, Senator ROBERTS, and others who have offered this are on the right track. I have asked about it for some time. In fact, when the matter came up several years ago to expand NATO, I asked a number of the witnesses from President Bush's administration some tough questions about it. They were forward. I asked about the rule of consensus. They defended it. They said, Well, we think it is going to be OK. Senator LEVIN, likewise, took the same position. When we had the recent hearing on the further expansion, we dealt with this same issue.

I quoted some of Senator LEVIN's remarks previously. I think this is a good time for us to move forward to bring this to a head. Let us talk about it openly. I don't think a discussion without any requirement to act could upset anybody. Let us talk about it and maybe we can make some progress.

RECOMMENDED APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to Vice President CHENEY on the appointment of Richard W. Bratton, of Wyoming, to the Citizen's Coinage Advisory Commission.

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

U.S. SENATE,
Washington, DC, May 6, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108-015 I have respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Mr. Richard W. Bratton of Wyoming.
Sincerely,

BILL FRIST,
Majority Leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following letter regarding an appointment to the Citizen's Coinage Advisory Commission be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 7, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108-15 I have today respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Leon Billings of Maryland.
Sincerely,

TOM DASCHLE,
Democratic Leader.

SUBMITTING CHANGES TO COMMITTEE ALLOCATIONS, FUNCTIONAL LEVELS, AND BUDGETARY AGGREGATES

Mr. NICKLES. Mr. President, section 421 of H. Con. Res. 95, the 2004 Budget Resolution, requires the Chairman of the Senate Budget Committee to make appropriate adjustments in the appropriate allocations and aggregates to reflect the difference between Public Law 108-11—the Emergency Wartime Supplemental Appropriations Act, 2003—and the corresponding levels assumed in the resolution.

As enacted, the Emergency Wartime Supplemental Appropriations Act of 2003 contains changes in new budget authority, outlays and revenues that differ from those assumed in the budget resolution. For fiscal year 2003, the supplemental provides \$4.432 billion in budget authority, \$3.745 billion in outlays, and \$2 million in revenues above the amounts assumed in H. Con. Res. 95. The supplemental also provides \$215 million in additional new budget au-

thority and \$332 million in additional outlays for fiscal year 2004; over the period of fiscal years 2004 through 2013, it provides an additional \$888 million in budget authority and \$1.406 billion in outlays over the amounts assumed in the resolution.

I am therefore inserting a set of tables into the RECORD which show the revised allocations and aggregates, reflecting the adjustments I am making pursuant to section 421. These revised allocations and aggregates are the appropriate levels to be used for enforcement of the 2004 Budget Resolution. I ask unanimous consent to print the above-referenced tables in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISION TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 101

(1)(A) Revenues (on-budget):

FY 2003	1303.113
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	

(1)(B) Changes in Federal Revenues:

FY 2003	- 56.721
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	

(2) Budget Authority (on-budget):

FY 2003	1867.072
FY 2004	1861.333
FY 2005	1990.603
FY 2006	2122.725
FY 2007	2233.213
FY 2008	2349.256
FY 2009	2454.814
FY 2010	2555.986
FY 2011	2669.845
FY 2012	2754.409
FY 2013	2875.544

(3) Budget Outlays (on-budget):

FY 2003	1819.167
FY 2004	1884.280
FY 2005	1981.995
FY 2006	2089.892
FY 2007	2190.978
FY 2008	2307.637
FY 2009	2420.227
FY 2010	2528.260
FY 2011	2651.603
FY 2012	2724.337
FY 2013	2855.914

(4) Deficits or Surpluses (on-budget):

FY 2003	- 516.054
FY 2004	- 558.828
FY 2005	- 448.120
FY 2006	- 432.381
FY 2007	- 400.727
FY 2008	- 405.793
FY 2009	- 366.465
FY 2010	- 360.323

FY 2011	- 381.063
FY 2012	- 314.765
FY 2013	- 301.929

(5) Public Debt

FY 2003	6750
FY 2004	7388
FY 2005	7982
FY 2006	8540
FY 2007	9069
FY 2008	9608
FY 2009	10109
FY 2010	10608
FY 2011	11132
FY 2012	11596
FY 2013	12048

(6) Debt Held by the Public

FY 2003	3921
FY 2004	4303
FY 2005	4604
FY 2006	4835
FY 2007	5013
FY 2008	5175
FY 2009	5278
FY 2010	5356
FY 2011	5435
FY 2012	5432
FY 2013	5402

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 103 (on-budget, in billions)

(1) National Defense (050):

FY 2003	
BA	455.302
OT	420.504
FY 2004:	
BA	400.546
OT	421.994
FY 2005:	
BA	420.071
OT	419.916
FY 2006:	
BA	440.185
OT	427.159
FY 2007:	
BA	460.435
OT	438.934
FY 2008:	
BA	480.886
OT	462.955
FY 2009:	
BA	491.951
OT	479.285
FY 2010:	
BA	502.301
OT	493.226
FY 2011:	
BA	511.859
OT	508.131
FY 2012:	
BA	520.553
OT	510.509
FY 2013:	
BA	529.428
OT	524.494

(2) International Affairs (150):

FY 2003:	
BA	30.616
OT	22.781
FY 2004:	
BA	25.681
OT	27.415
FY 2005:	
BA	29.734
OT	25.663
FY 2006:	
BA	32.308
OT	26.851
FY 2007:	
BA	33.603
OT	28.597
FY 2008:	
BA	34.611
OT	29.664

FY 2009:		FY 2003:		FY 2009:	
BA	35.413	BA	24.597	BA	14.980
OT	30.755	OT	23.441	OT	14.298
FY 2010:		FY 2004:		FY 2010:	
BA	36.258	BA	24.583	BA	15.233
OT	31.689	OT	23.718	OT	14.501
FY 2011:		FY 2005:		FY 2011:	
BA	37.136	BA	27.003	BA	15.492
OT	32.565	OT	25.780	OT	14.750
FY 2012:		FY 2006:		FY 2012:	
BA	38.005	BA	26.828	BA	15.755
OT	33.408	OT	25.616	OT	14.992
FY 2013:		FY 2007:		FY 2013	
BA	38.885	BA	26.299	BA	16.023
OT	34.298	OT	25.107	OT	15.259
(3) General Science, Space and Technology		FY 2008:		(10) Education, Training, Employment, and	
(250):		BA	25.507	Social Services (500)	
FY 2003:		OT	24.381	FY 2003:	
BA	23.164	FY 2009:		BA	82.830
OT	21.560	BA	26.092	OT	81.581
FY 2004:		OT	25.128	FY 2004:	
BA	23.927	FY 2010:		BA	90.170
OT	22.805	BA	25.545	OT	84.344
FY 2005:		OT	24.716	FY 2005:	
BA	24.433	FY 2011:		BA	91.457
OT	23.862	BA	24.991	OT	87.036
FY 2006:		OT	24.180	FY 2006:	
BA	25.217	FY 2012:		BA	93.428
OT	24.485	BA	24.573	OT	90.541
FY 2007:		OT	23.778	FY 2007:	
BA	26.055	FY 2013:		BA	95.569
OT	25.221	BA	24.297	OT	92.986
FY 2008:		OT	23.498	FY 2008:	
BA	26.832	(8) Transportation (400)		BA	97.925
OT	25.948	FY 2003:		OT	95.118
FY 2009:		BA	67.975	FY 2009:	
BA	27.462	OT	70.884	BA	99.813
OT	26.639	FY 2004:		OT	97.440
FY 2010:		BA	69.586	FY 2010:	
BA	28.121	OT	70.715	BA	101.551
OT	27.296	FY 2005:		OT	99.289
FY 2011:		BA	70.649	FY 2011:	
BA	28.805	OT	69.666	BA	103.529
OT	27.963	FY 2006:		OT	101.117
FY 2012:		BA	72.676	FY 2012:	
BA	29.492	OT	70.388	BA	105.790
OT	28.639	FY 2007:		OT	102.985
FY 2013:		BA	75.390	FY 2013:	
BA	30.185	OT	71.898	BA	107.265
OT	29.319	FY 2008:		OT	104.934
(5) Natural Resources and Environment		BA	77.011	(11) Health (550)	
(300)		OT	73.743	FY 2003:	
FY 2003:		FY 2009:		BA	223.071
BA	30.954	BA	78.928	OT	217.922
OT	29.000	OT	75.682	FY 2004:	
FY 2004:		FY 2010:		BA	240.554
BA	31.623	BA	77.775	OT	238.871
OT	30.856	OT	77.261	FY 2005:	
FY 2005:		FY 2011		BA	259.701
BA	32.504	BA	78.642	OT	259.428
OT	31.658	OT	78.309	FY 2006:	
FY 2006:		FY 2012		BA	279.236
BA	32.962	BA	79.543	OT	279.028
OT	32.830	OT	79.333	FY 2007:	
FY 2007:		FY 2013:		BA	299.614
BA	33.386	BA	80.476	OT	298.683
OT	33.127	OT	80.356	FY 2008:	
FY 2008:		(9) Community and Regional Development		BA	322.061
BA	34.064	(450)		OT	320.731
OT	33.527	FY 2003:		FY 2009:	
FY 2009:		BA	12.351	BA	345.548
BA	35.183	OT	16.014	OT	344.059
OT	34.544	FY 2004:		FY 2010:	
FY 2010:		BA	14.063	BA	370.626
BA	36.021	OT	15.883	OT	369.097
OT	35.360	FY 2005:		FY 2011:	
FY 2011:		BA	14.138	BA	396.818
BA	36.829	OT	15.891	OT	395.280
OT	36.163	FY 2006:		FY 2012:	
FY 2012:		BA	14.321	BA	415.790
BA	37.529	OT	14.962	OT	414.384
OT	36.836	FY 2007:		FY 2013:	
FY 2013:		BA	14.536	BA	445.484
BA	38.214	OT	14.664	OT	444.082
OT	37.600	FY 2008:		(13) Income Security (600)	
(6) Agriculture (350)		BA	14.745	FY 2003:	
		OT	14.123	BA	326.395
				OT	334.182
				FY 2004:	
				BA	319.518

OT	324.840	FY 2005:	OT	310.822
FY 2005:		BA	FY 2006:	
BA	333.821	OT	BA	352.463
OT	337.123	FY 2006:	OT	352.463
FY 2006:		BA	FY 2007:	
BA	341.816	OT	BA	380.846
OT	344.292	FY 2007:	OT	380.846
FY 2007:		BA	FY 2008:	
BA	349.199	OT	BA	405.947
OT	350.945	FY 2008:	OT	405.947
FY 2008:		BA	FY 2009:	
BA	361.697	OT	BA	429.867
OT	362.808	FY 2009:	OT	429.867
FY 2009:		BA	FY 2010:	
BA	373.372	OT	BA	450.997
OT	374.083	FY 2010:	OT	450.997
FY 2010:		BA	FY 2011:	
BA	384.844	OT	BA	473.746
OT	385.347	FY 2011:	OT	473.746
FY 2011:		BA	FY 2012:	
BA	400.266	OT	BA	496.401
OT	400.688	FY 2012:	OT	496.401
FY 2012:		BA	FY 2013:	
OT	403.738	OT	BA	514.926
OT	404.146	FY 2013:	OT	514.926
FY 2013:		BA		
BA	418.672	OT	(19) Allowances (920)	
OT	419.245	(17) General Government (800)	FY 2003:	
(15) Veterans Benefits and Services (700)		FY 2003:	BA	0.000
FY 2003:		BA	OT	0.000
BA	57.697	OT	FY 2004:	
OT	57.524	BA	BA	-7.621
FY 2004:		OT	OT	-4.671
BA	63.779	FY 2005:	FY 2005:	
OT	63.265	BA	BA	-6.541
FY 2005:		OT	OT	-5.652
BA	67.135	FY 2006:	FY 2006:	
OT	66.558	BA	BA	-7.331
FY 2006:		OT	OT	-7.407
BA	65.397	FY 2007:	FY 2007:	
OT	64.995	BA	BA	-8.947
FY 2007:		OT	OT	-9.203
BA	63.874	FY 2008:	FY 2008:	
OT	63.442	BA	BA	-9.959
FY 2008:		OT	OT	-10.111
BA	67.666	FY 2009:	FY 2009:	
OT	67.398	BA	BA	-11.526
FY 2009:		OT	OT	-10.030
BA	69.279	FY 2010:	FY 2010:	
OT	68.924	BA	BA	-12.888
FY 2010:		OT	OT	-10.923
BA	70.992	FY 2011:	FY 2011:	
OT	70.588	BA	BA	-16.414
FY 2011:		OT	OT	-12.671
BA	75.669	FY 2012:	FY 2012:	
OT	75.249	BA	BA	-21.460
FY 2012:		OT	OT	-15.707
BA	72.618	FY 2013:	FY 2013:	
OT	72.097	BA	BA	-25.618
FY 2013:		OT	OT	-19.181
BA	77.455	(18) Net Interest (900)		
OT	76.989	FY 2003:	<i>Concurrent Resolution on The Budget for Fiscal</i>	
(16) Administration of Justice (750)		BA	<i>Year 2004—H. Con. Res. 95; Revisions to the</i>	
FY 2003:		OT	<i>Conference Agreement; Pursuant to Section</i>	
BA	41.976	FY 2004:	<i>421</i>	
OT	38.533	BA	[In billions of dollars]	
FY 2004:		OT		
BA	37.626	FY 2005:		
OT	42.480	BA	310.822	2003
			Paygo Scorecard	64.787

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2003; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlement funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	843,550	808,891	0	0
Memo:				
on-budget	839,738	805,053		
off-budget	3,812	3,838		
Highways	0	31,264	0	0
Mass Transit	1,436	6,551	0	0
Mandatory	391,344	378,717	0	0
Total	1,236,330	1,225,423	0	0
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science, and Transportation	10,590	7,255	885	814

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—Continued

[Budget year total 2003; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlement funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372	0	0
Finance	759,790	763,497	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Governmental Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor, and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence	0	0	223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444	0	0
Small Business	864	769	0	0
Unassigned to Committee	(371,644)	(358,647)	0	0
Total	1,869,624	1,822,920	391,344	378,717

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2004; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	783,214	822,895	0	0
Memo:				
on-budget	778,957	818,688		
off-budget	4,257	4,207		
Highways	0	31,555	0	0
Mass Transit	1,461	6,634	0	0
Mandatory	426,949	410,619	0	0
Total	1,211,624	1,271,703	0	0
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	375	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science, and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312	0	0
Finance	757,720	761,042	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Governmental Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523
Health, Education, Labor, and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence	0	0	226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472	0	0
Small Business	3	(23)	0	0
Unassigned to Committee	(371,280)	(355,315)	0	0
Total	1,852,908	1,877,366	426,949	410,619

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[5-year total: 2004–2008; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561	0	0
Finance	4,502,612	4,511,696	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence	0	0	1,230	1,230
Veterans' Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569	0	0
Small Business	6	(59)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[10-year total: 2004–2013; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	209,130	178,892	600,618	446,118
Armed Services	910,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403	0	0
Finance	10,596,016	10,611,144	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence	0	0	2,648	2,648
Veteran's Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765	0	0
Small Business	6	(76)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

TRIBUTE TO WESTERN KENTUCKY UNIVERSITY'S WILLIAM E. BIVIN FORENSIC SOCIETY

Mr. McCONNELL. Mr. President, I rise today to express congratulations to all the team members and coaches of Western Kentucky University's William E. Bivin Forensic Society. The group recently was named world champions at the International Forensic Association Championship in Vancouver, BC.

It is my understanding that this is just one of the many titles the team has claimed over the last year. The team won the 2003 Delta Sigma Rho-Tau Kappa Alpha National Championship. They defeated 87 other universities to win the 2003 American Forensic Association National Championship. And most recently they captured the National Forensic Association Individual Events Championship. This is an impressive list of victories and a tribute to their hard work and dedication.

I wish to acknowledge each of the winning students: Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Reagan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, and Courtney Wright.

I would also like to recognize and thank their outstanding coaches, Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day, who provided leadership to this winning team.

Mr. President, Western Kentucky University's William E. Bivin Forensic Society has both national and international successes to be proud of. On behalf of myself and my colleagues in the Senate, I congratulate them on their significant achievements.

THE CRACKDOWN AGAINST PRO-DEMOCRACY DISSIDENTS IN CUBA

Mr. LEAHY. Mr. President, I come to the floor today to denounce, in the strongest terms, the recent deplorable actions by the regime of President Fidel Castro.

While the world focuses on the aftermath of the war in Iraq and the enormity of Saddam Hussein's atrocities are revealed, we must not ignore egregious violations of human rights taking place much closer to home.

I have long believed that the way to encourage democratic reform and respect for human rights in Cuba is not through isolation of this tiny island nation, but through the normalization of our relationship. I totally oppose the restrictions on the right of Americans to travel to Cuba.

But the recent crackdown against pro-democracy dissidents in Cuba is not only a reprehensible affront to human decency, it has threatened already strained relations between Cuba and the United States and between Cuba and the rest of the world.

My visit to Cuba in March 1999 reinforced my belief in the folly of our antiquated policy. I met with President Castro and a number of political activists. I saw firsthand the need for ending not only the embargo—which simply compounds the misery of Cuba's people and provides President Castro with a convenient excuse, but the repression and pervasive climate of fear perpetrated by that government.

On March 18, the Cuban government suddenly launched an attack against its political opponents. After storming their houses, seizing their computers, typewriters, fax machines and books, the government arrested 79 people, accusing them of subverting Cuba's government by conspiring with James Cason, the head of the U.S. Interests Section in Havana. They were charged with the vague crime of "collaborating with a foreign power against their homeland."

Less than 3 weeks later, the Cuban courts had tried, convicted and sentenced at least 75 of these people in a whirlwind process of closed-door trials lasting less than one day in improvised courts where undercover security agents who had infiltrated dissident groups surfaced as witnesses.

The punishments for conduct, that in most countries would not even be criminal, ranged from 6 to 28 years in prison.

Those arrested in this crackdown include leaders of independent labor unions and opposition political parties, independent journalists, librarians, and pro-democracy activists. More than half of the arrests were local organizers of the Varela Project reform effort.

The Varela Project collected more signatures than the constitutionally

required 10,000 for a national referendum calling for electoral reforms, freedom of association, and amnesty for nonviolent political prisoners.

The Cuban government responded with a counter petition, decreeing the Cuban socialist system to be untouchable. While local organizers received some of the heavier sentences, Osvaldo Paya, head of the Varela Project, was not arrested. Mr. Paya said that the crackdown is "an attempt to kill the chances of peaceful change in Cuba, but [dissidents] will continue seeking peaceful reforms."

At a meeting this month of the U.N. Commission on Human Rights in Geneva, the Swedish foreign minister warned that the crackdown in Cuba could harm its prospects for cooperation with the European Union.

On March 10, the European Commission opened its first diplomatic office in Havana. Cuba is applying for membership in the Cotonou Agreement—the economic assistance pact between the EU and African, Caribbean, and Pacific nations. Cubans would benefit significantly from the Cotonou Agreement, but Cuba's entry is now in jeopardy.

The U.N. Commission on Human Rights also adopted a resolution to send a U.N. envoy to Cuba to investigate human rights abuses, but Cuban officials have apparently rejected this.

The Bush administration is reportedly considering punitive measures to restrict the flow of American dollars to Cuba by further limiting the number of Americans who may travel to Cuba on charter flights, and by reducing the monetary remittances that Cubans in the United States send back to their families in Cuba. Unfortunately, such measures would only hurt the wrong people.

If this were not bad enough, earlier this month, Cuban authorities detained three men who had hijacked a ferry crossing the Florida Straits on its way to the United States. Less than 24 hours later, these men were summarily executed by a firing squad. No one supports the act of hijacking, and people of good conscience disagree about the death penalty. But such an outrageous denial of due process should be universally condemned.

As one who strongly opposes the policy of the Bush administration and previous U.S. administrations of isolating Cuba, a policy which for more than 40 years has failed to achieve any of its goals. I want to add my voice to those who have denounced these recent events.

Human rights are universal. They are every much the rights of the Cuban people as they are the rights of people everywhere. When they are denied, we are all diminished. The United States cannot prevent the wholesale violation of human rights by the Cuban government or any government. But we can speak up.

We can say to them that this is unacceptable.

We can say do not trouble us with your farcial explanations and excuses.

And we can say, with confidence, that those whose rights are so blatantly denied today will one day show their oppressors the real meaning of "revolution"—one that is based on the rights of man, not the brutality of one man.

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 3, 2001 in Los Angeles, CA. An Afghani-American woman was physically assaulted and harassed by her two male neighbors as she walked from her car to her house. When the police arrived to take a report, the two men told the officers that the woman had been making terrorist threats.

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.

TRIBUTE TO DR. BETSY ROGERS OF LEEDS, AL, AS NATIONAL TEACHER OF THE YEAR

Mr. SHELBY. Mr. President, I rise today in honor of Dr. Betsy (Dawson) Rogers, a teacher from Leeds, AL. On April 30, 2003, in the Rose Garden at the White House, President George W. Bush presented Dr. Rogers with the esteemed National Teacher of the Year award. Dr. Rogers was selected for this honor from among the best teachers in the Nation based on her compassion for the children she teaches.

Dr. Rogers, a teacher of first and second grade students at Leeds Elementary School, began teaching in 1985. She was compelled by the needs of many of her students, some from less fortunate families just needing someone to encourage them to strive to their greatest potential. Dr. Rogers invests her time and energy in everyone of her students. Day in and day out,

she goes above and beyond the call of duty, because for her students to achieve their greatest potential, some may need individual attention starting from long before the school day begins and lasting until hours after the last bell rings.

Dr. Rogers has had many opportunities to teach at most any school of her choice. Yet, she has humbly chosen to stay at Leeds Elementary School, knowing that her compassion is best put to use by these children who need it the most.

She loves everything about teaching, because Dr. Rogers is shaping the future for each child who comes into her classroom. She doesn't take this responsibility lightly, and for that she is to be commended. I am grateful to Dr. Rogers and teachers all over Alabama and the Nation just like her, who understand the immense responsibility they have as educators.

Dr. Rogers is blessed with an incredibly supportive family. Her parents, Elenor and Dick Dawson, are friends of mine from Birmingham, and I know they are very proud of their daughter's fine accomplishment. Her two sons, Rick and Alan, have benefitted tremendously from her gifted ability to teach. And her brothers, Richard and Eric, are close to her and celebrate with her on this important award.

Alabama is honored to be home to Dr. Rogers, and I hope that when my grandchildren enter elementary school they will have the fortunate experience to have a teacher just like her.

WEST VIRGINIA MILITARY SERVICE

Mr. ROCKEFELLER. Mr. President, I rise today to honor all West Virginians who have served our country in the military, especially those currently overseas. Former Senator Daniel Webster once said, "God grants liberty only to those who love it and are always ready to defend it." West Virginians are known for their dedication to military service and patriotism, and to this day West Virginians continue their proud tradition of military service. Our soldiers are committed to our Nation's principles, and they are tireless in their efforts to preserve liberty. I rise today to honor these intrepid men and women whose military service and commitment is unmatched—they make me extremely proud to be a West Virginian.

Only 3 States had a higher service rate than West Virginia during World War II. Thirty-six percent of West Virginia's male population—more than one out of every three men—served during that war. Nearly 4,700 West Virginians died fighting for our freedom in that war.

West Virginia had the highest service rate during the Korean War, with 16.2 percent of our men participating. During that war, tragically West Virginia also suffered the highest death rate, with about 40 war-related deaths for

every 100,000 citizens, a total of over 800 deaths.

West Virginia had the second-highest service in the Vietnam War, with 20.3 percent of our men serving. During that war, again West Virginia had the highest casualty rate in the Nation. More than 700 citizens from our State died in battle.

Now we are engaged in a war on terror—a war that our troops are fighting heroically. Thousands of West Virginia military personnel are taking part in the war effort, from active duty troops, to brave citizens in the National Guard, to Reservists. Not long ago, the world saw a symbolic climax of this war as the imposing symbol of Saddam Hussein's dictatorship was toppled. This moment could not have happened without the bravery and sacrifice of American forces and these forces would not be complete without the long-standing dedication of West Virginians.

We must not forget those men and women who protected our freedom. In 1940, pilot V.A. Rosewarne remarked, "The universe is so vast and so ageless that the life of one [person] can only be justified by the measure of his [or her] sacrifice." West Virginia has lost proud soldiers in Afghanistan and also in the recent war in Iraq. In any war, there are those who make the ultimate sacrifice by giving their lives, and we must honor them. Let me take this opportunity to mention the sense of honor that runs so deep in a representative sample of these West Virginians.

Second Lieutenant Therrel "Shane" Childers was born into a proud military family near West Hamlin, WV, and he always dreamed of a military career. On March 21, at 30 years of age, he became the first U.S. soldier killed in action in Operation Iraqi Freedom. His devout determination led a childhood friend of his to say, "I can feel deep in my heart that he was doing what he was meant to do," and his mother to say, "He died doing what he loved best, and that was being a Marine."

There are countless examples of such heroes. Kenny Shadrack, from the mining town of Skin Fork, WV, was the first recorded American death in the Korean War. On July 5, 1950, he gave his life in the fight against tyranny. While it was July 5 in Korea, it was still Independence Day in the United States, and I am sure Kenny understood what he was fighting for as he bravely shot bazooka rounds at the approaching enemy tanks until his life was tragically cut short. President Truman articulated Kenny's sacrifice well when he wrote: "He stands in the unbroken line of patriots who dared to die that freedom might live." West Virginia will never forget the service of people like Kenny.

More recently, the world has heard the heroic story of Private Jessica Lynch, the teenager from Palestine, WV, whose rescue as a prisoner of war from Iraq was universally celebrated. As a matter of fact, approximately 400 West Virginians are surviving former

prisoners of war, a further testament to the courage and patriotism present in West Virginia. Still today, Jessica is being treated for an injury to her spine and fractures to her right arm, both legs, and her right foot and ankle. She has endured so much pain, and yet her family tells me she has remained cheerful since her rescue. So much courage in such a young soldier as Jessica inspires us all, and underscores how proud I am to represent my fellow West Virginians.

We all owe these soldiers and so many more from all over West Virginia and across the country, past and present, an enormous debt of gratitude. For the dead: we celebrate and remember their lives, mourn their deaths, and thank God that such people served.

For the living, we must fight for them, who have fought so bravely for us. We cannot forget to honor our veterans. I will continue to fight for them as well—for the nearly 25,000 West Virginia veterans of the Persian Gulf, for the 65,000 surviving West Virginia veterans from the Vietnam era, for the more than 30,000 surviving West Virginia veterans of the Korean War, for the 36,000 aging veterans of World War II, and for the next generation of veterans coming home from the Middle East. So today, with my sincerest gratitude and pride for the services of these men and women, I pledge to always honor their sacrifices, because all West Virginians understand the sacrifices they have made and the respect they have earned.

West Virginians have always felt a sense of duty toward America, and we have always answered the call for military service. West Virginians understand the importance of living in a free society, and we also understand the patriotic duty and sacrifice required to do so. West Virginia soldiers have always reminded me of General MacArthur's description of the American soldier: "Possessed of enduring fortitude, patriotic self-denial, invincible determination . . . giving his youth and strength, love and loyalty . . . one of the world's noblest figures." I am honored to say that the good people of West Virginia, in particular, exemplify noble military service and proud patriotism.

THE CIVILIAN VICTIMS OF COALITION BOMBING ATTACKS IN AFGHANISTAN

Mr. DODD. Mr. President, I rise today to speak about the innocent victims of coalition bombing raids in Afghanistan, and to submit for the record, an article regarding this situation from the Washington Post. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. DODD. After many years of armed conflict and internal unrest, Af-

ghans are currently in the process of rebuilding their nation. And, now that the majority of military action in that country is complete, it is clear that many innocent Afghans lost their lives, homes, or family members as a result of coalition attacks. Certainly, I have no doubt that throughout our military actions in Afghanistan, our troops acted with the highest possible level of precision and professionalism in order to avoid civilian injuries or deaths. I applaud their valiant efforts and their excellent performance. We all do. However, in all armed conflicts there are mistakes made, and in this conflict, several hundred Afghans died as a result.

The village of Madoo is a chilling example of this loss of life. An estimated 150 people were killed in this village, which was bombed by coalition forces, along with other villages located near Osama bin Laden's former lair in the mountains at Tora Bora. And, the magnitude of this loss of life is highlighted exponentially when one considers that Madoo was home to only 300 people. In these raids, not only was Madoo reduced to ruins, but half of its population died; half of all its inhabitants lost their lives. These were innocent people, and the ones who remain—like so many others in Afghanistan—are destitute. They did not only lose their friends and family; they lost their homes, possessions, and their livelihoods.

Sadly, it has now been over a year since much of this damage was inflicted, and while some have begun to receive this aid, those injured by coalition bomb attacks are still in desperate need of assistance. With each passing day, there is growing doubt amongst many of the victims as to whether or not American aid will ever arrive. This is a troubling situation, and I hope my colleagues will join me in calling on the administration to ensure that these funds quickly reach all of those in need.

Indeed, Congress has already appropriated funds to assist humanitarian and reconstruction efforts in Afghanistan. Unfortunately, the disbursement of these funds to victims of coalition attacks has been hindered for a number of reasons. Ongoing military skirmishes in Southeastern Afghanistan have in many cases prevented aid workers from safely reaching the most war-torn villages. In addition, widespread destruction caused by decades of conflict has spurred some Afghans to falsely attribute their suffering with coalition attacks. Moreover, local rivalries between clans and villages require the United States and the international community to distribute aid equitably, so that no particular group will feel a sense of inequity in the distribution of American aid, which would only serve to heighten tensions.

I also understand the concerns expressed by some members of the administration regarding the complicated policy implications that providing

monetary compensation for victims of coalition bombing raids could create. Certainly, the security interests of the United States are in the forefront of the minds of every member of this chamber. However, with our vast resources, as well as American ingenuity and creativity, we should work to develop innovative approaches that will ensure American aid reaches all of those in need, while also protecting regional and global American interests.

I am heartened by recent developments that will allow the United States Agency for International Development, USAID, to begin distributing aid to war-affected communities in Afghanistan. The \$1.25 million obligation for this effort is a good start. However, while there are many reasons for the slow distribution of American aid, the reality is that the victims of these attacks are still in great need of assistance.

It is absolutely imperative that the administration now acts with the same swiftness and clarity witnessed in the fight against the Taliban to aid these innocent men, women, and children. We must remind them that our quarrel was not with the Afghan people, but rather the Taliban. Now that we have freed them from the oppressive hand of that brutal regime, we must not leave them alone.

The needs of the Afghan people are immediate. They cannot wait. Indeed, they have already waited too long. If we continue to sit idly by; if we do not help alleviate the suffering that was unintentionally inflicted upon them, then we will be creating an incubator for the same type of anti-American sentiment on which the Taliban and Osama bin Laden thrived. We will be laying the foundations for the very mentality that we are trying to uproot. We will be serving to destroy all that we have worked to achieve.

EXHIBIT 1

[From the Washington Post, Apr. 28, 2003]
AFTER THE AIRSTRIKES, JUST SILENCE; NO COMPENSATION, LITTLE AID FOR AFGHAN VICTIMS OF U.S. RAIDS

(By April Witt)

MADOO, Afghanistan.—There are more graves than houses in Madoo.

The mosque and many of the roughly 35 homes that once made up this hamlet in the White Mountains of eastern Afghanistan lie in rubble. At least 55 men, women and children—or pieces of them—are buried here, their graves marked by flags that are whipped by the wind.

Seventeen months after U.S. warplanes bombed this village and others in the vicinity of Osama bin Laden's cave complex at Tora Bora, Madoo's survivors say they can tell civilian victims of U.S. bombing in Iraq what to expect in the way of help from Washington: nothing.

"Our houses were destroyed," said Niaz Mohammad Khan, 30. "We want to rebuild, but we don't have the money. . . . We need water for our land. We need everything. People come and ask us questions, then go away. No one has helped."

Madoo is one of several enclaves in the region that the U.S. military bombed over several days in December 2001, killing an estimated 150 civilians. Once home to 300 people,

Madoo has lost roughly half its population, villagers say. In addition to the dozens killed by U.S. airstrikes, many others lost their homes and moved away. The people who remain are destitute. They live crowded in the few stone and timber homes they've managed to rebuild on their own. They subsist on bread and the vegetables they grow. Several children look slight and frail.

Half of world away in Washington, finding ways to help people in such desperate need became an immediate priority for some policymakers and a dangerous precedent to others.

Congress directed that an unspecified amount of money be spent to assist innocent victims of U.S. bombing in Afghanistan, just as it recently called on the Bush administration to identify and provide "appropriate assistance" to civilian victims in Iraq. But the money has not yet reached any of the intended recipients, U.S. officials acknowledged.

"The money is there," said Tim Rieser, an aide to Sen. Patrick J. Leahy (D-Vt.). "Mistakes were made. Mistakes are made in wars. We all know that. But we have yet to see the administration take action to carry out the law in Afghanistan."

The U.S. Agency for International Development, for example, had \$1.25 million in last year's budget to help Afghan civilians who suffered losses as a result of U.S. military action, according to the U.S. Embassy in Kabul. But the agency has not spent any of that money helping Afghans who had their relatives killed, their children maimed, their homes leveled or their livestock and livelihoods destroyed by American bombing, several U.S. officials in Afghanistan conceded this week.

The biggest obstacle to delivery of the aid, officials say, has been a prolonged debate over how to assist bombing victims without compensating them. To policymakers, the distinction between easing the plight of suffering innocents and compensating the victims of war is more than semantic. Both the U.S. military and the State Department are leery of setting legal precedents for compensation and have declined to establish programs that either systematically document civilian losses or give Afghans any opportunity to apply for reparations.

Short of that, military civil-affairs units in Afghanistan have, in isolated instances, provided general humanitarian assistance to communities that happen to have suffered as a result of U.S. bombing. They are, for example, helping rebuild Bamian University—but only, officials insist, because Bamian needs a new university, not because U.S. bombs destroyed the old one.

"Claims have never been processed for combat losses," said Col. Roger King, U.S. military spokesman at Bagram air base near Kabul, the Afghan capital.

The policy debate has gone on too long, Rieser said. "It's tricky," he said. "We don't imagine going around handing out dollar bills to people. We are sensitive to the issues. If we were to announce some kind of a claims program, every single person in Afghanistan would sign up. It's just not feasible."

"But we do know about a lot of these bombing incidents. We know there is a real need there. Why not start doing something about it in the context of our overall aid program? All Congress is saying is, don't leave out the people who suffered serious losses on account of our mistakes. It should have happened already."

There are no official estimates of how many Afghan civilians have been killed by U.S. bombs. A survey published last year by the human rights group Global Exchange estimated the number at more than 800.

A year and a half after the U.S.-led coalition ousted the Taliban and al Qaeda, bombs

are still falling on Afghan civilians as U.S. forces combat a resurgence of terrorism aimed at destabilizing the government of President Hamid Karzai. In eastern Afghanistan this month, a U.S. warplane mistakenly killed 11 members of one family when a 1,000-pound laser-guided bomb missed its intended target and landed on a house.

And Madoo still lies in ruins. The village, 25 miles south of Jalalabad, is not accessible by road. It is a short but arduous hike through mountain gorges from the Pakistan border. On the horizon jut the black peaks of Tora Bora, home of the cave complex where an estimated 1,000 of bin Laden's fighters are believed to have gathered after the defeat of the Taliban last fall.

It was late afternoon on Dec. 1, 2001, when U.S. warplanes appeared over Madoo. The people of Madoo were observing Ramadan, the Muslim holy month of fasting.

"It was the time of breaking fast, and we were just sitting together to have dinner," Munir, 12, recalled. "We heard the voice of the planes, and we went out to see what was happening. A bomb landed on our home. There weren't any Taliban or Arabs with us. For nothing they dropped bombs here."

After the first bombers left, Munir's mother and 8-year-old sister were dead. His infant brother, Abdul Haq, was buried alive. Relatives spied the boy's foot sticking out of a mound of dirt and dug him out.

The bombers returned three times, villagers said. In all, the people of Madoo say they buried at least 55 loved ones.

Many bodies were too damaged to identify. Some of the dozens of mounds in Madoo's hillside burial ground are marked with two and three pieces of wood, signifying that the remains of more than one person are interred there.

The people of Madoo remain puzzled by Americans. A retired Ohio lawyer, who read about one Madoo boy injured in the bombings, was so moved that he visited and gave each survivor about \$300. People bought tents and clothes and wheat seeds to plant. But Madoo's losses outstripped one man's largess.

Munir's youngest brother, now a toddler, coughs frequently and swipes at his runny nose. His family, whose home and meager possessions were destroyed in the bombing, lives with relatives.

"Before, it was good here," Munir said. "The people and my father worked on the land. Life was better than it is now. We have lost everything."

Munir's father, Shingul, 55, who is raising his four surviving children alone, tried to talk about his late wife and daughter but could only turn away and weep.

"If we were doing something wrong, I could understand this," he said when he regained his voice. "But it was Ramadan and we were breaking the fast. The main problem we have now is that we have nothing. We would really appreciate it if someone could help."

SCHOOL VOUCHERS

Mr. KENNEDY. Mr. President, I believe all of our colleagues in the Senate will be interested in an article from today's New York Times entitled "What Some Much-Noted Data Really Showed About Vouchers" by Michael Winerip, pointing out the shocking flaws in a widely cited study released in 2000 by Paul E. Peterson on the benefits of private school voucher programs.

It is clear that no research on vouchers has conclusively shown that private school students outperform public

school students. Private school vouchers are not proven to work and should not be supported by Congress. Public funds should be used for public schools, not on dubious experiments to pay for a small number of students to attend private schools.

The No Child Left Behind Act—passed last year with the strong support of President Bush and strong bipartisan support in Congress—is the best hope for improving elementary and secondary education. Its reforms ask more of schools, teachers, and students in communities across the country. Schools need as much funding and support as possible to ensure that no child is left behind. Every dollar in public funds that goes to private schools is a dollar less for public schools.

Congress should support public schools, not abandon them. Proven effective reforms should be made—not just in a few schools, but in all schools; not just for a few students, but for all students. I urge my colleagues in Congress to reject voucher proposals and grant increased funds for public schools, and I ask unanimous consent that the New York Times article be printed in the RECORD.

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

[From The New York Times, May 7, 2003]

WHAT SOME MUCH-NOTED DATA REALLY SHOWED ABOUT VOUCHERS

(By Michael Winerip)

In August of 2000, in the midst of the Bush-Gore presidential race, a Harvard professor, Paul E. Peterson, released a study saying that school vouchers significantly improved test scores of black children. Professor Peterson had conducted the most ambitious randomized experiment on vouchers to date, and his results—showing that blacks using vouchers to attend private schools had scored six percentile points higher than a control group of blacks in public schools—became big news.

The Harvard professor appeared on CNN and "The NewsHour With Jim Lehrer." Conservative editorial writers and columnists, including William Safire of The Times, cited the Peterson study as proof that vouchers were the answer for poor blacks, that Al Gore (a voucher opponent) was out of touch with his black Democratic constituency and that George W. Bush had it right.

"The facts are clear and persuasive: school vouchers work," The Boston Herald editorialized on Aug. 30, 2000. "If candidates looked at facts, this one would be a no-brainer for Gore."

Then, three weeks later, professor Peterson's partner in the study, Mathematica, a Princeton-based research firm, issued a sharp dissent. Mathematica's report emphasized that all the gains in Professor Peterson's experiment, conducted in New York City, had come in just one of the five grades studied, the sixth, and that the rest of the black pupils, as well as Latinos and whites of all grades who used vouchers, had shown no gains. Since there was no logical explanation for this, Mathematica noted the chance of a statistical fluke. "Because gains are so concentrated in this single group, one needs to be very cautious," it said.

Several newspapers wrote about Mathematica's report, but, coming three

weeks after the first round of articles, these did not have the same impact.

And Professor Peterson, a big voucher supporter, continued, undaunted. His 2002 book, "The Education Gap," largely ignored Mathematica's concerns and ballyhooed voucher gains for blacks. "The switch to a private school had significantly positive impacts on the test scores of African-American students," he wrote.

While he still couldn't explain why only blacks had gained, he offered theories. Perhaps heavily black public schools were even worse than urban Latino or white schools. Or, since most vouchers in New York were used in Catholic schools, perhaps a religious "missionary commitment is required to create a positive educational environment" for blacks.

David Myers, the lead researcher for Mathematica, is hesitant to criticize Professor Peterson. ("I'm going to be purposely vague on that," he said in an interview.) But he did something much more decent and important. After many requests from skeptical academics, he agreed to make the entire database for the New York voucher study available to independent researchers.

A Princeton economist, Alan B. Krueger, took the offer, and after two years recently concluded that Professor Peterson had it all wrong—that no even black students using vouchers had made any test gains. And Mr. Myers, Professor Peterson's former research partner, agrees, calling Professor Krueger's work "a fine interpretation of the results."

What makes this a cautionary tale for political leaders seeking to draft public policy from supposedly scientific research is the mundane nature of the apparent miscalculations. Professor Krueger concluded that the original study had failed to count 292 black students whose test scores should have been included. And once they are added—making the sample larger and statistically more reliable—vouchers appear to have made no difference for any group.

Some background. In 1997, 20,000 New York City students each applied for a \$1,400 voucher to private school through a project financed by several foundations. A total of 1,300 were selected by lottery to get a voucher, and 1,300 others—the controls, who had wanted a voucher but were not selected—were tracked in public schools. When the first test results came back, the vouchers made no difference in test scores for the 2,600 students as a whole. So the original researchers tried breaking the group down by ethnicity and race, and that's when they noted the sixth-grade test gains for the black voucher group.

But there was a problem. The original researchers had never planned to break out students by race. As a result, their definition of race was not well thought out: it depended solely on the mother. In their data, a child with a black mother and a white father was counted as black; a child with a white mother and a black father was counted as white.

When the father's race is considered, 78 more blacks are added to the sample. Professor Krueger also found that 214 blacks had been unnecessarily eliminated from the results because of incomplete background data. These corrections by Professor Krueger expanded the total number of blacks in the sample by 292, to 811 from 519.

In recent weeks, Mr. Myers, of Mathematica, has reviewed Professor Krueger's critique and found it impressive. Mr. Myers has now concluded that Professor Krueger's adjustments mean that "the impact of a voucher offer is not statistically significant."

It is scary how many prominent thinkers in this nation of 290 million were ready to make new policy from a single study that ap-

pears to have gone from meaningful to meaningless based on whether 292 children's test scores are discounted or included. "It's not a study I'd want to use to make public policy," Mr. Myers said. "I see this and go 'whoa.'"

Professor Krueger of Princeton (who also writes a monthly business column in *The Times*) said, "This appeared to be high-quality work, but it teaches you not to believe anything until the data are made available."

As for Professor Peterson of Harvard, the star of newspapers and TV news in 2000 remains curiously mum these days. In a brief interview, he decline to comment on Professor Krueger's or Mathematica's criticisms. He said he stood by his conclusion that vouchers lifted black scores, and would "eventually" respond in a "technical paper." But he said he would not discuss these matters with a reporter.

"It's not appropriate," he said, "to talk about complex, methodologies in the news media."

TRIBUTE TO DR. ROBERT C. ATKINS

Mr. HARKIN. Mr. President, today I come to the floor to pay tribute to a great person, a long-time friend and a true pioneer, Dr. Robert C. Atkins. Dr. Atkins, cardiologist, physician, and author, among many other endeavors, passed away tragically on April 17 from injuries suffered in a fall in New York City.

A leader in both natural medicine and nutritional pharmacology, Dr. Atkins majored in pre-med at the University of Michigan and then went on to receive his medical degree from the Cornell University Medical School in 1955. He was the founder of The Atkins Center for Complementary Medicine, Atkins Nutritionals, Inc, and cofounder and past president of the Foundation for the Advancement of Innovative Medicine. But as accomplished as he was a physician and researcher, Dr. Atkins was best known for his controlled carbohydrate approach to weight management known as the "Atkins Diet."

In addition to researching and developing what has become one of the leading weight control methods, Dr. Atkins also wrote 13 books, including "Dr. Atkins' New Diet Revolution" and "Atkins for Life," both of which have been and remain on *The New York Times* bestseller list. His commitment to revolutionizing medicine and nutrition and determination to stand by his research led *People* magazine to name him one of the "25 Most Intriguing People," and *Time* magazine to add him to their list of "People Who Matter".

Dr. Atkins invested millions of his own money in the Dr. Robert C. Atkins Foundation, endowing institutions with the necessary funding for research and education.

I knew Bob Atkins for many years. He was a good friend and we saw eye to eye on many important issues including dietary supplements, alternative medicine, and medical research. As the lead proponent in the formation the National Center for Complementary

and Alternative Medicine, I was always grateful with Dr. Atkins tireless effort to educate law and policymakers. Dr. Atkins helped to bring national attention and credibility to complementary medicine as a serious and effective medical approach.

Dr. Atkins will always be remembered for having the courage and foresight to challenge conventional wisdom on nutrition. His tireless efforts to point out ways to lose weight and prevent and manage diabetes and heart disease in ways conventional medicine had ignored or were unaware are irreplaceable and have forever changed how Americans, and the world, view nutrition, weight loss and diet. During his life he treated thousands of patients, including Members of Congress and their families.

My condolences go out to his wife Veronica and mother Norma, and all the people who had the pleasure to work for and with him. His legacy and lifetime achievements will continue to guide policy makers and doctors around the world. Bob Atkins not only left a legacy of nutrition and health, but set an example for everyone to believe in themselves and to question establishment policies.

Bob, we thank you and we miss you.

ADDITIONAL STATEMENTS

THE 2003 UNITED NATIONS POPULATION AWARD

● Mrs. MURRAY. Mr. President, I would like to call the attention of my colleagues to the fact that an American activist has been chosen as the recipient of the 2003 United Nations Population Award for only the second time in the history of the honor. This year's beneficiary, Werner Fornos, president of the Washington, DC-based Population Institute, is a well-known figure on Capitol Hill and a long-time advocate for international access to voluntary methods of family planning.

I ask that the following press release honoring Mr. Fornos' receipt of this prestigious award be printed in the RECORD.

The press release follows.

WERNER FORNOS WINS 2003 UNITED NATIONS POPULATION AWARD

Werner Fornos, a longtime Washington, D.C. resident and special advisor to former U.S. House of Representatives Speaker John W. McCormack, has been named the winner of the 2003 United Nations Population Award in the individual category.

"The selection is in recognition of your outstanding contribution to the awareness of population growth," Thoraya Ahmed Obaid, secretary of the award committee and executive director of the U.N. Population Fund, wrote to Fornos informing him of his selection.

The Family Planning Association of Kenya will receive the award in the institutional category. Founded in 1962 as a volunteer-based nongovernmental organization, it has pioneered the family planning movement in Kenya, promoting the provision of sexual and reproductive health services within the

context of reproductive rights and the empowerment of young people.

Under the chairmanship of Jean-Claude Alexandre, Haiti's Ambassador to the United Nations, the award committee also consists of representatives of Burundi, Cape Verde, the Kyrgyz Republic, Lesotho, the Republic of Moldova, and the Netherlands, together with a representative of the U.N. Secretary-General and Mrs. Obaid.

The citation is the only regular United Nations award of its kind and consists of a medal, a diploma and a monetary prize of \$12,500 to each of the winners. The committee selected the Family Planning Association of Kenya as the 2003 laureate in the institutional category.

The award ceremony and reception is tentatively scheduled for June 18 at United Nations Headquarters in New York.

Born in Leipzig, Germany, in November 1933, Fornos was separated from his family when the apartment building in which they were living was destroyed in an allied bombing raid.

He later became the "mascot" of the 29th Infantry Division of the United States Army, and stowed away four times on troop ships and airplanes in efforts to emigrate to the United States before he was adopted by Mr. and Mrs. Jaime Fornos of Newton, Massachusetts.

A 1965 graduate of the University of Maryland University College, which recently named him *Alumnus of the Year*, with a degree in government and politics, Fornos has served in the Maryland state legislature and as the state's Assistant Secretary of Human Resources and Manpower Administrator. He also served as a special assistant to U.S. Assistant Secretary of Labor for labor-management relations and Deputy Assistant Manpower Administrator.

Prior to being named as president of the Population Institute, Fornos was executive director of the Population Action Council; executive director of Planned Parenthood of Washington, D.C.; and assistant professor at George Washington University, where he headed its Population Information Program.

Fornos has been a management consultant in family planning implementation and effectiveness to the U.S. Agency for International Development, the American Public Health Association, and Westinghouse Health Services. He has worked on population and family planning projects for Tunisia, Pakistan, Bangladesh, Turkey, Mexico, the Philippines, China, Indonesia, Sri Lanka, and Kenya.

He has addressed plenary sessions of virtually every major international population meeting since the 1974 World Population Conference in Bucharest, Romania, including the 1984 International Population Conference in Mexico City, and the 1994 International Conference on Population and Development in Cairo, Egypt. Fornos has been named Humanist of the Year by the American Humanist Association and he is a recipient of Germany's Order of Merit, the highest distinction granted by the German government to a non-German citizen in recognition of humanitarian efforts.

He is an honorary professor of international relations at Szechuan University in China; a member of the board of directors of the United Nations Association of the United States; an elected member of the International Union for the Scientific Study of Population; and he is the recipient of several Paul Harris Fellowships from Rotary International.●

HONORING DANIEL LEE SILVERNAIL

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of

South Dakota's heroic firefighters, Daniel Lee Silvernail.

After a lengthy battle with diabetes, Dan passed away on May 4, 2003. Born in Sturgis, SD, October 9, 1982, to Dennis and Sherry Silvernail, Dan attended Lead-Deadwood Schools and was a volunteer counselor at the Diabetes Incorporated Camp for kids. Responding to the call to serve his State early, Dan was a team leader for the Junior Lead-Deadwood Fire Department before becoming an active member of the Lead-Deadwood Fire Department.

Dan Silvernail was a highly respected firefighter and his help in last year's Colorado's wild fires, countless hours on the Grizzly Gulch Fire in South Dakota, and most recently in Texas to help with the cleanup from the Space Shuttle Columbia disaster will serve as a reminder of his profound desire to serve his State and Nation. He was greatly admired by his peers for his dedication to his community and local concerns and his love for helping others is what set him apart from other outstanding South Dakotans.

A native of South Dakota, Dan is survived by his father, Dennis Silvernail; stepmother, Kelly Silvernail; mother, Sherry Silvernail; sister, LeAnn Silvernail; brother, Casey Kendall; grandparents, Art and George Ann Silvernail, and Jim and Marlys Eggleston; step-grandparents, Keith and Marilyn Harrison; friends LeRoy and Roy; aunts, uncles, cousins and fellow firefighters.

Through his outstanding community involvement and activism, the lives of countless South Dakotans were enormously enhanced. His work will continue to be an inspiration to his fellow members of the Lead Fire Department, and also to all those who knew him. Our Nation and South Dakota are far better places because of his life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and to his community.●

ON THE 10TH ANNIVERSARY OF THE LOS ANGELES REVLON RUN/WALK

● Mrs. BOXER. Mr. President, I rise today to recognize the 10th anniversary of the Los Angeles Revlon Run/Walk, which will occur on May 10, 2003. For the past decade, the Revlon Run/Walk has been taking place in New York and Los Angeles, raising millions of dollars to fight women's cancers.

I am told that the Revlon Run/Walk was launched when a group of people came together with a common vision. The vision was to "accelerate the research process and honor the courageous spirits that continue to fight this extraordinary fight." Now, a decade later, the Run/Walk has raised more than \$27 million. This vision has truly become a reality.

Proceeds from the Revlon Run/Walks have helped fund cutting-edge research

and assisted organizations in providing education, advocacy and outreach services to those affected by cancer. The organizations benefitting from the Run/Walk include the Revlon/UCLA Women's Cancer Research Program, National Women's Cancer Research Alliance, the Wellness Community, WIN Against Breast Cancer, the Los Angeles Breast Cancer Alliance, the Women of Color Breast Cancer Survivors Support Project, and the Gilda Radner Ovarian and Breast Cancer Detection Program at Cedars Sinai Medical Center.

Each year, the Run/Walk draws thousands of people motivated to participate in support of this cause. The participants include adults and children. These people personify the gracious, generous spirit of the American people—a diverse group united in support of one worthwhile cause.

The Entertainment Industry Foundation, the founders of the Run/Walk, and all those who make this event possible every year deserve to be recognized and commended. They have been extremely successful in the past, and I am confident that with their dedication, leadership, and ability to pull the community together, they will continue to succeed in turning their vision into reality.

I congratulate them on their 10th anniversary.●

TRIBUTE TO MARTHA WRIGHT GRIFFITHS

● Ms. STABENOW. Mr. President, I rise today to celebrate the life and mourn the passing of a friend, a mentor, and a personal hero: Martha Wright Griffiths, who dedicated more than 40 years of her life in public service to her State and her Nation.

But her death last month at 91 does not mean the loss of a flame. Rather it is the passing of a torch, for her causes continue.

Isaac Newton was once asked to explain the inspiration behind his many scientific discoveries that advanced our understanding of the world. He said: "If I have been able to see further, it is because I stood on the shoulders of giants."

As I stand here today and speak as a proud member of the United States Senate, I understand Newton's humility. I know I stand on the shoulders of giants who advanced our understanding of what our world can be.

Martha Wright Griffiths—Michigan's first woman Lieutenant Governor—is one of those giants in the cause of equal rights and social justice in our Nation.

Consider her remarkable career. When Martha was born in 1912, women didn't even have the right to vote, let alone have the chance to serve their country as legislators, judges or elected executive officials.

A generation of women fought to change that and women like Martha stepped up and accepted the new leadership responsibilities that came with their new duties.

Martha's public service career began in 1948 with two terms in the Michigan Legislature. From there she went on to become the first woman judge in Detroit's old criminal court system.

In 1954, she became the second woman elected to the United States House of Representatives from Michigan, and began a distinguished 20-year career as a legislator.

In the House, Martha became an advocate for reviving our cities, increasing aid to education, promoting tax relief for struggling families and making sure that every man, woman and child in America had access to health care.

But Martha was best known for her work in civil rights and the rights of women. She was not only an early and avid supporter of the 1964 Civil Rights Act, but she got Congress to approve an amendment she authored to include women in the bill by shaming the men in the House Chambers into voting for it.

"A vote against this amendment today by a man is a vote against his wife or his widow or his daughter or his sister," she told them.

In 1970, Martha gathered the 218 signatures needed for a rare discharge petition that forced the Equal Rights Amendment to the floor of the House after it had languished in committee for nearly 50 years.

Martha left the House in 1974, and joined several corporate boards including the former Chrysler Corporation and Consumers Power Company—companies that had never had women on their boards before.

In 1982, Martha began her final tour of public service when she was sworn in as Michigan's first woman Lieutenant Governor. I had the pleasure of working with her as a member of the Michigan House of Representatives through much of her tenure.

And the day she was sworn in as lieutenant governor, Martha also became the first woman in Michigan's history to serve in all three branches of government.

Giants such as Martha Wright Griffiths moved us closer to realizing our Nation's promise of equal justice and opportunity for each and every citizen.

Her passing reminds us that it is now our turn to square our shoulders and stand tall for the generations of Americans to come. ●

TRIBUTE TO BERT SANDBERG

● Mr. COLEMAN. Mr. President, I ask unanimous consent that the following two tributes honoring the life of the late Bert Sandberg—steadfast businessman, World War II veteran, and longtime friend of the city of St. Paul—be printed in the RECORD.

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

[From the Star Tribune, Apr. 29, 2003]

TRIBUTE TO BERT SANDBERG

(By Tony Kennedy)

He claimed to have eaten the first steak served at Mancini's Char House and in 1977

he received an award for ridding St. Paul streets of Dutch Elm diseases.

A building contractor with major credits in downtown St. Paul, Bert Sandberg also was known for his labor on the basketball court, playing tenaciously at the St. Paul Athletic Club and other gyms until he was 75 years old.

The decorated World War II veteran and acclaimed prep athlete from Mechanic Arts High School died Sunday of liver cancer. He was 77. Although he was not in the public spotlight, Sandberg was politically well-connected and kept a running friendship with the city's mayors, occasionally offering them advice on how to improve the Capital City.

"There's no such thing as having just a moment with Bert," St. Paul Deputy Mayor Dennis Flaherty said last week. "He loves to tell stories.

Flaherty said Sandberg never asked the city for anything, but often was "below the radar" helping private citizens and supporting various city initiatives. Among other things, he was a supporter of the St. Paul Winter Carnival.

Sandberg's Swedish immigrant parents raised him in a house on the corner of 9th and Wacouta Sts. in an area of downtown St. Paul now known as Lowertown. He married Carol Ziniel of St. Paul in 1952 and moved to Mendota Heights, where they raised one boy and two girls. But Sandberg never sold the lot where he grew up.

"He's a guy who sincerely loves St. Paul," Flaherty said.

Sandberg's daughter, Leslie a press secretary for state Attorney General Mike Hatch, said her dad was appropriately featured in a history of Minnesota members of the so-called Greatest Generation that came of age during the 1930s and '40s, survived the Great Depression and World War II and build the foundation for modern-day America.

After graduating from Mechanic Arts High School in 1943, he enlisted in the Navy and served three years in the South Pacific during World War II. Sandberg worked on a Landing Ship Tank, or LST boat, that was used to deploy troops and equipment on foreign shores. He was awarded a Silver Star and five Bronze Stars, his daughter said.

Sandberg had finished near the bottom of his class at Mechanic Arts, but when he returned from war he wiggled his way in to Augsburg College. He not only graduated, but he later returned to serve on the school's Board of Regents from 1968-1980.

"His focus was to encourage the college to take a chance on students who otherwise might not make it in," Leslie Sandberg said.

Her father was drafted after college to play football for the Philadelphia Eagles, but he waived the opportunity and instead joined his father's business, St. Paul-based N.H. Sandberg Erection Co. Sandberg started at the firm as an ironworker, but he eventually took over the company and expanded it to include worldwide crane and heavy equipment rentals.

"My dad traveled all over the world and he'd say, 'St. Paul is the best city. Why would you want to live anywhere else?'" Leslie Sandberg said.

The firm's downtown St. Paul building credits include the federal courthouse, the St. Paul Hilton Hotel (now the Radisson Riverfront), the Osborn Building, the Northwestern Bell Telephone Building and many skyways.

When George Latimer was mayor, Sandberg was given an award for quickly and efficiently removing diseased elm trees from all over the city. And in 1999, when the St. Paul City Conference celebrated its centennial as a high school athletic conference, Sandberg was chosen as the best athlete

from 1943. At Mechanic Arts he was a baseball player, a speedster in track and a standout in basketball and football.

Leslie Sandberg said her father's list of achievements wouldn't be complete without a mention of his part as an extra in the movie "Might Ducks III." He is pictured in the movie as a counter patron at Mickey's Diner.

"He just loved that," his daughter Leslie said. "He never cashed his paycheck."

Sandberg, who was born in St. Paul on July 28, 1925, is survived by his wife, Carol; daughters Leslie of Mendota Heights and Susan of Los Angeles; and son Nels of Philadelphia. Services are pending.

[From the Pioneer Press, Apr. 30, 2003]

Bert Sandberg, who helped build much of the modern skyline of St. Paul and was one of the city's biggest boosters, died Sunday of liver cancer at his home in Mendota Heights. He was 77.

Sandberg was owner of Sandberg Erection Co., which built the steel foundation for the federal courts building, the Marshall Field's store, the St. Paul Radisson Riverfront Hotel, the Ecolab Building, a Qwest Building, the First National Bank Building, the former West Publishing Building and most of the city's skyways.

"He and his company were involved in probably all of the major buildings in downtown St. Paul," said Dennis Flaherty, deputy mayor. "He was full of energy and excitement for St. Paul. Every time he'd see me, he'd offer a new suggestion."

One of Sandberg's daughters, Leslie, said her father loved to take the family on a drive when the children were young. He would point at various buildings and say, "You know what? We built that."

Sandberg was a friend of many St. Paul mayors over the years, including George Latimer, Norm Coleman and Randy Kelly.

"My father was a character," Leslie Sandberg said. "He knew everybody."

Sandberg got a role as an extra in the "Mighty Ducks III" movie when the director, Steven Brill, spotted Sandberg golfing at the Town and Country Club and the two men began a conversation. Brill recognized a good character and told Sandberg not to shave, and Sandberg portrayed a local at a scene in Mickey's Diner.

In 1990, Gov. Rudy Perpich appointed Sandberg as a representative of the city of St. Paul to meet with Mikhail Gorbachev, then president of the Soviet Union, who was visiting Minnesota.

Sandberg was a member of the Board of Regents at Augsburg College in Minneapolis from 1968 to 1980 and was a longtime member of the St. Paul Athletic Club.

An outstanding athlete, he once had an offer to play professional football but decided he was too small. He played basketball twice a week until he was 75.

"He had a great set shot," Leslie Sandberg said.

He used cranes and chain saws to remove dying elm trees on Summit Avenue, and Mayor Latimer presented him with an award in 1977 for helping battle the scourge of Dutch elm disease.

He served with the Navy in the South Pacific during World War II.

In addition to daughter Leslie, Sandberg is survived by his wife, Carol, Mendota Heights; daughter Susan, Los Angeles, and son Nels, Philadelphia.

Visitation is from 1 to 5 p.m. Sunday at O'Halloran and Murphy Funeral Home in St. Paul. The funeral is at 10:30 a.m. Monday at Salem Lutheran Church in West St. Paul with burial at Sunset Memorial Cemetery in Minneapolis. ●

HONORING JIMMY WILLIAMS

• Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Jimmy Williams of Lexington, KY. Jimmy was selected as a member of the 2003 Youth Leadership Team by the National Campaign to Prevent Teen Pregnancy.

Jimmy is a unique teen with an important message and opportunity to share his story with thousands of people. He works diligently to educate his peers on the ramifications of sexual activity in an attempt to halt America's teen pregnancy rate.

Currently attending Bryan Station High School, Jimmy is an active Teen Leader of the Postponing Sexual Involvement, PSI, program and was once a training session panelist for the Kentucky Coalition. Teen Leaders, such as Jimmy, must complete a minimum of 20 training hours before talking directly to middle school students about sexual peer pressure and health concerns.

His dedication to delivering this message caught the eye of the National Campaign to Prevent Teen Pregnancy. Jimmy's strong work ethic made him the perfect candidate for the Youth Leadership Team. He writes letters in support of the National Day to Prevent Teen Pregnancy to schools, students, teachers, media sources, and political leaders. Even on his off time, Jimmy can be found at local baseball games handing out flyers promoting abstinence.

I'm pleased that Jimmy cares so much for the health and well-being of his peers. Please join me in congratulating Jimmy Williams and wishing him the best of luck in his new position as a member of the Youth Leadership Team.●

HONORING SOUTH DAKOTA VOLUNTEERS

• Mr. JOHNSON. Mr. President, on May 4, 2003, Rachel Petersen and Elizabeth Volzke were honored for their outstanding volunteer service at the Eighth Annual Prudential Spirit of Community Awards. The two State honorees for South Dakota received a \$1,000 award in addition to an engraved silver medallion and an all-expense-paid trip with a parent or guardian to Washington, DC.

Petersen, 18, of Rapid City, is a senior at Stevens High School. In addition to being named a State honoree, Petersen was named South Dakota's top high school youth volunteer and Rapid City's Citizen of the Month. Petersen earned this prestigious honor by initiating and leading a group of teen volunteers who prepare and serve hot lunches every Sunday to homeless and disadvantaged people in her community. When Rachel learned that hungry people were turned away from the community's food program for breaking program rules or other reasons, she decided to help. "It still seemed like a terrible tragedy that good people with

a few problems had nowhere to eat," she said. Rachel first arranged for a steady source of donated food, then began recruiting reliable student volunteers to help. Each week, Rachel picks up the donated ingredients, and then prepares her menu—usually a 5-gallon pot of soup, with bread, a side dish, and a drink. Volunteers help set up a feeding station in a city park, where they stay each Sunday for 2 or 3 hours, serving 40 to 50 hungry people. Rachel is training other teen volunteers to take over when she leaves for college next year. "The eradication of world hunger will happen one meal at a time," Rachel said.

Elizabeth Volzke, 11, a member of the Girl Scouts of Nyoda Council in Huron and a fifth-grader at Eureka Public School, received this award as recognition of her work at a local assisted living center, daycare center, and church services, among other events. Elizabeth began her volunteerism by vowing to perform 100 hours of community service to commemorate the 100th anniversary of the 4-H program. Beginning with visits to residents of the assisted living center where her mother works and playing games with them, Elizabeth and her sister also made cookies, door and table decorations, party favors, and tray liners for holiday celebrations, paying for supplies with money earned from recycling aluminum. Elizabeth was soon visiting and playing piano at other nursing homes, as well. She then expanded her volunteering to a children's daycare center because, as Elizabeth said, "I love babies and young children." She plans to continue her volunteer efforts, adding, "What a wonderful feeling it is to help others."

The Prudential Spirit of Community Awards recognizes students in middle and high school grades who have demonstrated exemplary community service. For their commendable and inspiring efforts to aid those afflicted by illness, poverty, and other difficult circumstances, 10 students are chosen as America's top volunteers, in addition to 104 individual State honorees. State honorees, such as Rachel and Elizabeth, are chosen by their outstanding dedication to community from a pool of more than 24,000 applications. Carried out in a joint venture with the National Association of Secondary School Principals, the Prudential Spirit of Community Awards were originally created to encourage and reward youth volunteerism and young role models.

People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Rachel and Elizabeth are examples to all of us. These two South Dakotans are extraordinary individuals who richly deserve this distinguished recognition. I strongly commend their hard work and dedication, and I am very pleased that their efforts are being publicly honored and celebrated.

It is with great honor that I share their impressive accomplishments with my colleagues.●

TRIBUTE TO WILLIAM BIVIN FORENSIC SOCIETY

• Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the William E. Bivin Forensic Society at Western Kentucky University in Bowling Green, KY. The Western Kentucky University Forensic Team recently defeated forensic teams from all over the world to claim the 2003 International Forensic Association, IFA, Championship in Vancouver, BC.

Led by Director of Forensics Judy Woodring, the team of 36 students and eight coaches defeated 87 other universities to win the 2003 American Forensic Association, AFA, National Championship and the Delta Sigma Rho-Tau Kappa Alpha, DSR-TKA, National Championship earlier this year. The Western Kentucky Forensic Team has a long tradition of honors and distinctions. Over the program's storied history, it has won four IFA International Championships, one AFA National Championship, five DSR-TKA National Championships, and thirteen Kentucky State Forensic Association Championships.

I ask my colleagues in the Senate to pay tribute to the Western Kentucky University Forensic Team of Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Reagan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, Courtney Wright and led by Coaches Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day. I am proud of their achievements and admirable representation of Western Kentucky University and the Commonwealth of Kentucky.●

TRIBUTE TO RICHARD W. VOLLMER, JR.

• Mr. SESSIONS. Mr. President, the death of United States District Judge Judge Richard W. Vollmer, Jr. was a great loss to our country, the American legal system, his friends, and especially his wonderful family. Judge Vollmer was born March 7, 1926, in St. Louis, MO, and moved to Mobile, AL, in 1941 where he attended McGill Institute. After graduation he enrolled in the U.S. Navy and served until 1946 in the South Pacific. He returned to Mobile where he graduated from Springhill College in 1949. He began attending the University of Alabama

School of Law from 1950–52 aboard the aircraft carrier USS *Saipan*. He returned to the University of Alabama School of Law where he served as a member of the Board of Editors of the Alabama Law Review and graduated in 1953.

He married Marilyn Jean Stikes in 1949 and they have five children and nine grandchildren. Two of his sons, Rick and Jim, are following in their father's footsteps as practicing lawyers in the Mobile area.

After law school, Judge Vollmer worked several years for State Farm Insurance Company prior to joining the law firm of Pillans, Reams, Tappan, Wood and Roberts in 1956. He engaged in an active practice in State and Federal courts where he won the respect of his fellow lawyers and jurists before whom he appeared.

He was a charter member of the American Board of Trial Advocates, serving as president of the Alabama Chapter in 1984–85, and was serving as president of the Mobile Bar Association at the time of his appointment to the Federal bench.

In 1990, President George H.W. Bush nominated him to the district bench for the Southern District of Alabama, where he began his career on June 18, 1990, taking senior status on December 31, 2000. He had a strong work ethic and he demanded the same of the lawyers who appeared before him. He never failed to offer his assistance with a congested court docket during times when the Southern District of Alabama did not have its full complement of active judges. Even upon taking senior status, and with failing health, he was always available if the workload demanded it.

Judge Vollmer was not just somebody who worked in the courthouse. Although he loved the law, he knew the love of family came before work, and was deeply concerned about the personal well-being of all the courthouse family with whom he worked, often going out of his way to inquire into their well-being. As U.S. District Judge William Steele has noted, he had a bright and warm presence with a quick smile and laugh. His positive spirit has made the U.S. Courthouse in Mobile a wonderful place to work.

Widely esteemed as a jurist, respected by all who appeared before him, he brought to the bench a sincere quality of humility, love of the law, patience, personal integrity and genuine faith. As was said in the opening prayer at his investiture ceremony, "Justice and justice alone shall be your aim." It can now be said with certitude that Judge Vollmer spent his career dispensing justice fairly and impartially. I had the honor of practicing before Judge Vollmer and to get a direct view of his noble character and humanity. He cared deeply for the unfortunate, was pained to see young people be sentenced to long jail terms though he did his duty. In addition, he was a generous affirmer and true mentor for

many. I vividly remember him calling me into his office and encouraging me to consider a race for attorney general of Alabama. I knew his judgment and insight was good and that he had a valuable perspective. That advice meant a great deal to me. I respected his judgment and knew his comments were given with my interests in mind. Such human touches have meant much to many others.

Judge Vollmer served in an exceptional court. The U.S. District Court for the Southern District of Alabama has a great record of integrity, industry, legal skill and collegiality. He received an illustrious tradition and passed it on even brighter.

Judge Vollmer died at his home in Mobile on March 20, 2003. He leaves a legacy of always seeking to do what is just and fair and right. ●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT THAT TERMINATES THE NATIONAL EMERGENCY DESCRIBED AND DECLARED IN EXECUTIVE ORDER 12865 OF SEPTEMBER 26, 1993, WITH RESPECT TO THE ACTIONS AND POLICIES OF THE NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA (UNITA) AND REVOKES THAT ORDER, EXECUTIVE ORDER 13069 OF DECEMBER 12, 1997, AND EXECUTIVE ORDER 13098 OF AUGUST 18, 1998—PM 31

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:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the "Order"), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leaders Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.
THE WHITE HOUSE, May 6, 2003.

MESSAGE FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the "Timothy Michael Gaffney Post Office

Building"; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building"; to the Committee on Governmental Affairs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005.

H. Con. Res. 139. Concurrent resolution authorizing the printing of the brochures entitled "How Our Laws Are Made" and "Our American Flag", the document-sized annotated version of the United States Constitution, and the pocket version of the United States Constitution.

MEASURES REFERRED

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

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the "Timothy Michael Gaffney Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the "Robert P. Hammer Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building"; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2183. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program (KY-241-FOR)" received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC-2184. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program (WY-030-FOR)" received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC-2185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program (WV-092-FOR)" received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC-2186. A communication from the Assistant General Counsel, Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators and Refrigerator-Freezers (1904-AB12)" received on April 28, 2003; to the Committee on Energy and Natural Resources.

EC-2187. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report to Congress on Federal Government Energy Management and Conservation Program, Fiscal Year 2002" received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC-2188. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to the construction of a geologist repository for spent nuclear fuel and high level radioactive waste at Yucca Mountain; to the Committee on Energy and Natural Resources.

EC-2189. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule') (2003 Energy Costs) (RIN 3084-AA74)" received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC-2190. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN 1545-BA18)"; to the Committee on Finance.

EC-2191. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN1545-BA18)" received on May 1, 2003; to the Committee on Finance.

EC-2192. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD: Disclosure of Returns and Return Information to Designee of Taxpayer (1545-AX85)" received on April 30, 2003; to the Committee on Finance.

EC-2193. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule "Special Benefits for Certain World War II Veterans (RIN 0960-AF61)" received on April 30, 2003; to the Committee on Finance.

EC-2194. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Grants to States for Operation of Qualified High Risk Pools (0938-AM42)" received on April 30, 2003; to the Committee on Finance.

EC-2195. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2196. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2197. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Under Secretary (Enforcement) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2198. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Treasury) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2199. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a discontinuation of service in an acting role for the position of Treasury Inspector General for Tax Administration, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2200. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Member, IRS oversight board, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC-2201. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 7 Regulations) [CGD05-03-043] [COTP Mobile 03-009] [COTP San Diego 03-017] [COTP San Diego 03-018] [CGD13-03-014] [CGD13-03-012] (1625-AA00)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2202. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG-2000-69311] (1625-AA60) (2003-0001)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2203. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 2 Regulations) [COTP Houston-Galveston 02-009] [COTP San Diego 03-010] (1625-AA00)" received on May 5, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2204. A communication from the Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Material: Enhancing Hazardous Material Transportation Security (RIN 2137-AD79)" received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2205. A communication from the Assistant Administrator, Fisheries, National Marine Fisheries Service, National Oceanographic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered Fish and Wildlife; Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act (0648-AQ74)" received

on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2206. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2207. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Transportation Policy, received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2208. A communication from the Attorney/Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309(j) and 337 of the Communication Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (WT Docket No. 99-87) (FCC 03-34)" received on May 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2209. A communication from the Attorney, Office of Chief Counsel, Transportation Secretary Administration, transmitting, pursuant to law, the report of a rule entitled "Security Threat Assessment for Individuals Applying for a Hazardous Material Endorsement for a Commercial Driver's License (1652-AA17)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2210. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA), ending on August 25, 2003 (0679)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2211. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Opening and closing dates of the first and second directed fisheries for Atka mackerel within the harvest limit area (HLA) in Statistical Areas 542 and 543" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2212. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Shipment by Government Bills of Lading (48 CFR Parts 1847 and 1852)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2213. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Approvals and Reviews (14 CFR 1260 and 1274)" received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-2214. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification for Broker-Dealers (1506-AA32)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2215. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2216. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Mutual Funds (1506-AA33)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2217. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Customer Identification Programs for Mutual Funds (1506-AA33)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2218. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Increased Rates for Flood Coverage 68 FR 15666 (1660-AA25)" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2219. A communication from the Chairman, Federal Financial Institutions, Examination Council, transmitting, pursuant to law, the report entitled "Examinations Council's 2002 Annual Report to Congress" received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2220. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report entitled "Federal Reserve Board's 89th Annual Report" received on May 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-2221. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 68 FR 15967 (Doc. No. FEMA-7805)" received on April 30, 2003; to the Committee on Environment and Public Works.

EC-2222. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2001" received on April 30, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-81. A resolution adopted by the City Commission of the City of Key West, Florida relative to children's programs; to the Committee on Health, Education, Labor, and Pensions.

POM-82. A joint resolution adopted by the Legislature of the State of Maine relative to the funding of special education and ending unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a quality

education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than 13% to 20% of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of the State and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments 8 years ago when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM-83. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to Community Services Block Grants; to the Committee on Health, Education, Labor, and Pensions.

ENGRROSSED RESOLUTION NO. 4

Whereas, Wisconsin's 16 community action agencies have been working in our communities to improve the lives and well-being of all of our citizens for over 35 years; and

Whereas, our community action agencies have delivered a comprehensive array of opportunities to assist those citizens who reside at the lowest levels of the economic ladder to advance economically and socially; and

Whereas, our community action agencies have developed innovative and effective strategies to promote affordable housing and homeownership, microenterprise development, youth development, crime prevention, access to food and nutrition, Head Start expansion, community-based economic development, housing rehabilitation, and other initiatives to promote the development of our human potential; and

Whereas, in 2001 our community action agencies assisted over 380,000 of our citizens and provided volunteers who contributed more than 600,000 hours of service to our communities; and

Whereas, in 2001 our 16 community action agencies received \$7,000,000 of Community Service Block Grant funds and used these funds to leverage more than \$135,000,000 of additional funds, including \$25,000,000 of private funds with which to benefit Wisconsin's communities; and

Whereas, the federal Community Services Block Grant provides the core funding for our community action agencies and is scheduled for reauthorization in the upcoming session of Congress; Now, therefore, be it

Resolved by the Senate, That the Wisconsin state urges President George W. Bush and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; and, be it further

Resolved, That The Senate chief clerk shall provide a copy of the resolution to President George W. Bush, to the president and secretary of the U.S. Senate, to the speaker and clerk of the U.S. House of Representatives, and to each member of the congressional delegation from this state, attesting the adoption of this resolution by the 2003 senate of the State of Wisconsin.

POM-84. A resolution from the Police Jury of the Parish of Avoyelles State of Louisiana relative to the Parish's support of the President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM-85. A resolution from the House of the legislature of the State of Kansas relative to funding for the Department of Veterans Affairs; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6019

Whereas, as a result of having served in Operation Desert Storm in the Arabian Peninsula 11 years ago, 16% of the 700,000 troops who were stationed there have been awarded disability benefits by the Department of Veterans Affairs—and these injuries resulted from hostilities that lasted only 100 hours; and

Whereas, the state of Kansas recently released the results of a health study of over 2,000 Kansas veterans who served during the first Gulf War. The study identified clear links between Gulf veterans' health problems and the time and places in which they served. Overall, 34% of Kansas veterans who served in Desert Shield or Desert Storm had symptoms of Gulf War illness; and

Whereas, subsequently, the Congress enacted Public Law 105-85 which requires the development and implementation of a medical tracking system for service members deployed overseas. Such requirements include an assessment of mental health and the drawing of blood to accurately record any changes in their medical condition during the course of their deployment; and

Whereas, as reported in an article by David Goldstein in the Kansas City Star on March 5, 2003, many of our troops currently in the Middle East have not received the testing required under Public Law 105-85; and

Whereas, the House of Representatives is concerned with the possibility that Kansas military personnel involved with Operation Iraqi Freedom could return home with similar illnesses as those of Desert Storm: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas: That the House urges the United States government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom, including the administration of tests required under Public Law 105-85; and be it further

Resolved: That we believe it is the obligation of our national government to provide all necessary medical care and support for those injured or inflicted with illnesses in the defense of our nation and, anticipating additional costs associated with Operation Iraqi Freedom, urge the Congress of the United States to provide adequate funding for the Department of Veterans Affairs; and be it further

Resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Kansas Congressional Delegation and to the Kansas Commission on Veterans Affairs, Kansas Disabled Veterans, Kansas Veterans of Foreign Wars and Kansas American Legion.

POM-86. A resolution from the House of the Representative of the State of Michigan relative to expressing support for U.S. Troops; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 31

Whereas, as the United States military faces several difficult situations around the globe, Michigan is joining this effort to protect our liberties from a wide range of threats. Numerous National Guard units in Michigan have been called to active duty. Many of these personnel are going to replace other units that have been on duty throughout the country, and several are active in the work of providing homeland security; and

Whereas, while preserving our liberties in a troubled world always demands great vigilance and the sacrifice of our men and women in uniform, the current situation is demonstrating the debt we owe to our fellow citizens in the military. Even though the threats facing us are in many ways different than those that have challenged previous generations, the role of courage and commitment in securing our freedoms remains as clear as ever; and

Whereas, success in dealing with the crisis in Iraq and the continuing demands of the war on terrorism in countless locales requires not only the commitment of our troops, but also great sacrifices by the families of these brave Americans. These men, women, and children face difficulties in many ways, and the uncertain duration of the separation for many of them makes the situation even worse. Support for our troops is incomplete without support for them as well; and

Whereas, in the weeks and months that lie before us, there is no telling what will be asked of our country. We can, however, promise that the people of Michigan stand ready to express our support for our troops with public policy decisions that will advance the Nation's efforts in the work before us: Now, therefore, be it

Resolved, by the House of Representatives, That we express support for our troops and pledge our commitment to public policies that will advance the Nation's efforts against terrorism and threats to liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Military and Veterans Affairs, the United States Department of Defense, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, the Office of the President of the United States, and appropriate local military service organizations throughout Michigan.

POM-87. A resolution adopted by the Board of Supervisors of the County of Los Angeles of the State of California relative to expressing support for the President of the United States and the Armed Forces; to the Committee on Armed Services.

POM-88. A resolution adopted by the City Council of Michigan City of the State of Indiana relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM-89. A resolution adopted by the Hennepin County Board of Commissioners of the State of Minnesota relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM-90. A resolution of the Senate of the Legislature of the State of New Jersey relative to noise reduction of air traffic patterns; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 71

Whereas, residents of New Jersey suffer from extreme and unwarranted levels of intrusive aircraft noise; and

Whereas, aircraft noise deprives residents of the full use and benefit of their homes and living areas; and

Whereas, aircraft noise contributes to the substantial lowering of property values on residences owned by New Jersey residents; and

Whereas, the Federal Aviation Administration, hereafter the "FAA," is currently undertaking a major redesign of the aircraft traffic patterns over New Jersey; and

Whereas, the FAA's stated goals for the redesign include only reducing delays affecting airline schedules, and reducing pilot and air traffic controller workloads, while enhancing safety; and

Whereas, the FAA, despite repeated public promises to substantially reduce aircraft noise as part of the redesign, has refused to include such noise reduction as a primary goal of the redesign; Now, therefore, be it

Resolved by the Senate of the State of New Jersey, That the President and the Congress of the United States are respectfully memorialized to direct the Federal Aviation Administration to include the reduction of aircraft noise as a major goal in the redesign of aircraft traffic patterns over New Jersey; and be it further

Resolved, That duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of Transportation, and the Administrator of the Federal Aviation Administration.

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. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. DASCHLE):

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes; read the first time.

By Mr. HARKIN (for himself, Mr. SPENCER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. SARBANES, and Mr. REED):

S. 1011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,000 and to provide for a graduated implementation of such provision on amounts above such \$2,000 amount; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GREGG (for himself, Mr. BREAUX, Ms. LANDRIEU, Mr. ALEXANDER, Mrs. LINCOLN, Mr. ROBERTS, Mrs. CLINTON, Mr. WARNER, and Mr. DEWINE):

S. 1015. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

By Mr. CONRAD (for himself, Mr. BINGAMAN, Mr. LEVIN, Ms. LANDRIEU, and Mr. JOHNSON):

S. 1017. A bill to amend title XVIII of the Social Security Act to accelerate the reduc-

tion in the amount of beneficiary copayment liability for medicare outpatient services; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. CLINTON, and Mr. SARBANES):

S. 1018. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

By Mr. KOHL:

S. 1020. A bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the school breakfast program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1021. A bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1022. A bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 224, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 253

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 316

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 316, a bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 393

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 489

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

S. 557

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 557

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 557, *supra*.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Utah (Mr.

BENNETT), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 583

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 583, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 589

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 617

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 646

At the request of Mr. CORZINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr.

KYL) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 792

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 792, a bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

S. 796

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 852

At the request of Mr. DEWINE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 881

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 881, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BURNS) were added as co-

sponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 959

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. KOHL), the Senator from Nebraska (Mr. NELSON), the Senator from Iowa (Mr. HARKIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. RES. 130

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 130, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

Mr. CAMPBELL. Mr. President, today I am introducing legislation aimed at addressing the long term shortage of workers in our health care system.

In recent months, America's health care workforce shortage has made headline news. While most of the stories have focused on the lack of nurses, the shortage of health care professionals also includes radiology technicians, respiratory therapists, clinical laboratory scientists, imaging technologists, rehabilitation professionals, pharmacists and others.

This shortage is different than the one hospitals have experienced in the past because it is only the prelude to a long-term shortage of crisis proportions. The demand for health care is increasing as Americans are living longer than previous generations, and advances in medicine have let more people live with chronic and age-related diseases. With the demand for hospital services increasing because of a growing and aging population, the workforce shortages present our Nation with a potential health care crisis. I believe we must do something to change this disturbing trend.

In my State of Colorado, a task force made up of community colleges, universities, corporations, hospitals, social services and interested community activists has been convened to actively find solutions for the workforce shortages. One of the proposals would be to hold a health career summer youth camp under the title, Gee Whiz Jobs, where young people would be introduced to a full range of career possibilities in the health care field. I believe this idea and their program can become a model for other such programs throughout the country.

The legislation I am introducing today attempts to build on the career camp idea. It authorizes the Secretary of Health and Human Services to make demonstration grants to accredited universities and/or community colleges to establish summer health career introductory programs for middle school and high school students.

Many students are not prepared in the necessary levels of math, science and reading to enter health education programs directly out of high school. Many others have never been exposed to health careers and do not even consider them as a possibility. And, a significant number have little knowledge of the range of career possibilities or what the working environments may be like. Summer school exposure to health careers which allows young people to visit hospitals, doctors' offices, emergency rooms, and community health clinics and witness professionals at work in providing health care services may be just what they need to guide them into a health career.

I believe that we must broaden the base of health care workers by designing strategies that attract and retain a diverse workforce. We must collaborate with others—hospitals, health care and professional associations, educational institutions, corporations, philanthropic organizations, and government to attract new entrants to the health professions. And, we must begin these efforts early in the lives of our young people.

It is going to take all of us—educators, government and community officials, hospital leaders, health care workers, and the public—working together to meet the challenge facing our health care system today. That is why I urge my colleagues to act quickly on this legislation. Let's begin to aggressively address the health care worker shortage in a way that will carry us into the future.

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. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

By Mr. HARKIN (for himself, Mr. SPECTER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Com-

mittee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to be joined by Senators SPECTER and KENNEDY today in re-introducing legislation that will give new hope to Americans with paralysis.

Recent news reports about the medical miracle Christopher Reeve has experienced over the two past years is an inspiration for every American living with paralysis as a result of a spinal cord injury. When it was announced that, for the first time since his accident in 1995, Chris regained sensation and movement in parts of his body, providing inspiration for some of the two million Americans with paralysis. Most recently, Chris has started weaning himself from a ventilator, breathing on his own for the first time since his accident.

Today, through the Christopher Reeve Paralysis Act of 2003, we seek to achieve two primary goals. First, to further advance the science needed to promote spinal regeneration. And second, to build quality of life programs throughout the country that will further advance full participation, independent living, self-sufficiency and equality of opportunity for individuals with paralysis and other physical disabilities.

Chris' recovery and recent scientific evidence show that progress is possible. At research centers in the United States, Europe and Japan, techniques of rigorous exercise have helped numerous persons with paraplegia with limited sensations in their lower bodies walk for short distances, unassisted or using walkers.

While the results of these new methods are quite promising, the limits of what physical exercise can do for patients remains grossly understudied. While each person and each injury is unique, and some people recover spontaneously, an estimated 250,000 Americans are living with spinal cord injuries that have not improved. Which therapy or combination of therapies will work for each person is unknown. Today two million Americans are living with paralysis, including spinal cord injury, stroke, cerebral palsy, multiple sclerosis, ALS and spina bifida. We need research to see how these new interventions work on the entire population of individuals with paralysis.

What we do know is the ordinary repetitive motions used in most rehabilitation centers, like squeezing a ball, are almost certainly not enough to appropriately address neurological injuries.

Patients are usually told that after one year, two at the most, they will never make further progress in their abilities to move or feel sensation. Yet eight years after his accident, through a rigorous exercise plan, Chris is finally seeing results.

Due to efforts led by the National Institutes of Health and the Christopher Reeve Paralysis Foundation, our Nation stands on the brink of amazing

breakthroughs in science for those with paralysis. However, the biotech and pharmaceutical industries have not invested in paralysis research because they believe the market does not support the private investment. There is an urgent need for the Federal Government to further step up its commitment in this area. The Christopher Reeve Paralysis Act would do just that.

By establishing Paralysis Research Consortia at the National Institute of Neurological Disorders and Stroke, we can substantially increase our ability to capitalize on research advances in paralysis. These consortia would be formed to explore unique scientific expertise and focus across the existing research centers at NINDS in an effort to further advance treatments, therapies and developments on one or more forms of paralysis that result from central nervous system trauma and stroke.

Additional breakthroughs are underway in rehabilitation research on paralysis. Federal funding for rehabilitation research at the National Center for Medical Rehabilitation Research at NIH is showing real potential to improve functional mobility; prevent secondary complications like bladder and urinary tract infections and ulcers; and to develop improved assistive technology. These rehabilitation interventions have the potential to greatly reduce pain and other complications for people with neurological disorders and stroke and, at the same time, save millions in health care costs.

Over the past 20 years, overall days in the hospital and rehabilitation center for those with paralysis have been cut in half. Those with paralysis face astronomical medical costs, and our best estimates tell us that only one-third of those individuals remain employed after paralysis. At least one-third of those with paralysis have incomes of \$15,000 or less.

To date, there are no State-based programs at CDC that address paralysis and other physical disability with the goal of improving health outcomes and prevent secondary complications. This bill will, for the first time, ensure that individuals with paralysis get the information they need; have access to public health programs; and support in their communities to navigate services. Ultimately these programs will help remove the barriers to community participation and help improve quality of life. The bill also establishes hospital-based registries on paralysis to collect needed data on the true numbers of individuals with these conditions, and it invests in population-based research to see how various therapies impact different people.

We are on the brink of major breakthroughs for individuals with neurological disorders and stroke that result in paralysis. This bill will ensure that the federal government does its part to help more than 2 million Americans.

When Christopher Reeve was injured, he put a face on an issue that has been

neglected for too long. Since then, his tireless efforts to walk again, coupled with his passion and commitment to improve quality of life for others with paralysis, make him an inspiration to all Americans.

It is a pleasure and an honor to lead a bipartisan group of Senators, along with the support of a number of disability groups, including the American Stroke Association, the American Heart Association, the Christopher Reeve Paralysis Foundation, the National Family Caregivers Association, the National Spinal Cord Injury Association, Paralyzed Veterans of America and Easter Paralyzed Veterans, in introducing this bill.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, our Nation's States and health safety net are simultaneously facing a crisis. According to State budget officers, the states are facing a nearly \$30 billion budget shortfall this year and an \$80 billion gap in fiscal year 2004 due to the economic recession. At the same time, it is estimated that the number of uninsured increased from 41 to 45 million this past year. And, due to the State budget shortfalls, the numbers of uninsured may increase even further.

In fact, the lead paragraph in the New York Times in an article entitled "Cutbacks Imperil Health Coverage for States' Poor" on April 28, 2003, reads, "Millions of low-income Americans face the loss of health insurance or sharp cuts in benefits, like coverage for prescription drugs and dental care, under proposals now moving through state legislatures around the country."

The article continues, "State officials and health policy experts say the cuts will increase the number of uninsured, threaten recent progress in covering children and impose severe strains on hospitals, doctors and nursing homes."

As a result, I believe the Federal Government should take immediate steps to fundamentally reassert and reassert its role in helping the States with this fiscal crisis and rising Medicaid costs, lowering the number of uninsured, and finally, confronting infant and maternal mortality and morbidity statistics that are unworthy of our great Nation.

To address these issues, today and tomorrow, I will be introducing three relevant bills. The first addresses the fiscal crisis confronting States and the Medicaid program entitled "Strengthening Our States," or the "SOS Act."

The second addresses our Nation's long-standing and growing crisis of the

uninsured that is entitled the "Health Coverage, Affordability, Responsibility, and Equity Act" or the "Health CARE Act."

The final bill takes on our Nation's high infant and mortality rates and is called the "Start Healthy, Stay Health Act."

First things first. In any campaign—whether in sports, business, or politics—you have to have both offensive and defensive strategies. In trying to reduce the number of uninsured in our country, we must first, as an emergency room doctor would, stop the bleeding. Therefore, our first priority should be to support and strengthen the Medicaid program.

Unfortunately, the Center on Budget and Policy Priorities estimated in March that as many as 1.7 million Americans could lose coverage altogether under proposals advanced by governors or adopted by State legislative committees this year.

Therefore, I am introducing today with Senators CORZINE, CLINTON, KERRY, LAUTENBERG, DAYTON, and JOHNSON legislation entitled the "Strengthening Our States Act of 2003." This bill is a companion bill to that being introduced by Representative DINGELL, BROWN of Ohio, WAXMAN, and others and is aimed at improving Medicaid and providing support to States to enhance their ability to provide coverage to their uninsured residents in these difficult times.

The SOS Act uses a combination of approaches which: first, provide additional Federal fiscal relief to States; second, provide additional flexibility to States in administering and improving the Medicaid program; and third, provide incentives and assistance to stave off cuts to existing coverage, and facilitate coverage expansions in the future.

The legislation will simplify Medicaid and enable States to strengthen the program and stands in sharp contrast to the President's proposal to convert Medicaid into a block grant that would erode health insurance coverage.

In fact, the Administration's prescription is the wrong medicine for the wrong ailment. The Federal Government should be stepping up its commitment to seniors, people with disabilities, and low-income children rather than stepping away and leaving States holding the bag.

First and foremost, our legislation acknowledges and reflects on the important role that Medicaid plays in our entire health care system. As Diane Rowland and Jim Tallon of the Kaiser Commission on Medicaid and the Uninsured have noted: ". . . it is hard to envision our health system and society without a program like Medicaid. Medicaid is the glue that helps hold our health system together and takes on the highest-risk, sickest, and most expensive populations from private insurance and Medicare. For low-income Medicare beneficiaries, Medicaid picks

up Medicare premiums and some cost sharing as well as filling the gaps in coverage for long-term care services, prescription drugs, and vision and dental care."

Medicaid addresses the failure of the marketplace to deliver affordable health coverage to our Nation's most fragile and vulnerable citizens. However, there is no reason why it should also have to play the role of picking up the slack of the Medicare program. A central tenet of our SOS proposal is for the Federal Government to begin taking the steps to assume 100 percent of the costs associated with care and services in Medicaid for Medicare beneficiaries, also known as dual eligibles.

This, I would add, is in keeping with long-standing policy of the National Governors' Association, or NGA, and is in sharp contrast to the Administration's proposal to maintain the current Medicaid financing system for mandatory populations and services while block granting care of optional populations and services to States. Who are these optional populations? They are largely the elderly and people with disabilities, many of whom are dually eligible for Medicare and Medicaid.

According to the Kaiser Commission on Medicaid and the Uninsured, 83 percent of all Medicaid spending on the elderly is for either optional populations or services, such as prescription drugs and long-term care. In fact, according to Cindy Mann of Georgetown University and a former Medicaid director under the Clinton Administration, an estimated 35 percent of all State Medicaid costs are for so-called "dual eligibles."

Therefore, rather than stepping up to the plate, the Administration is instead stepping away from its commitment to the elderly and disabled, which should be our responsibility at the Federal level, by moving these groups and their health care services into a block grant. Groups representing the elderly and disabled communities have already spoken out against this.

As AARP Executive Director and CEO Bill Novelli says, "This [Administration's block grant] proposal handcuffs states because it leaves people more vulnerable in future years as States struggle to meet increased needs with decreased dollars."

The Consortium for Citizens with Disabilities adds, "The Bush Administration proposal fails people with disabilities and dishonors the Nation's commitment to its residents—it is not in the national interest. . . . What the Medicaid program calls 'optional' services are, in reality, mandatory disability services for the children and adults who need them. These services often are not only life-saving, but also the key to a positive quality of life—something everyone in our nation deserves."

Again, the Federal Government should be stepping up its commitment to seniors and people with disabilities rather than stepping away, as the President's proposal does.

With respect to the fiscal crisis facing states, the Administration has long opposed fiscal relief to States as part of its economic stimulus package. Instead, the Administration points out that its Medicaid block grant proposal provides more funding up front to States, in the amount of \$3.5 billion over one year and \$12.7 billion over the first seven years to help States. But the proposal has strong elements of a typical bait and switch by yanking every dime of that money away starting in 2011. Secretary Thompson noted at the press conference that he would not be around at the time of the \$12.7 billion in reductions eight years from now and the plan clearly counts on the fact that most of this crop of governors would not be either.

However, that is exactly when our Nation's baby boomers hit retirement age in rapidly increasing numbers and the long term care costs within Medicaid will significantly increase.

In sharp contrast, the SOS Act includes a temporary increase in the Federal matching assistance percentage, or FMAP, to state Medicaid programs in the amount of \$15 billion and another \$15 billion in additional aid to States—far more than the temporary \$3 billion offered by the Administration.

Also, unlike a block grant, the current Medicaid matching rate is responsive to States in times of recessions by providing Federal matching funds to States for each additional person who becomes eligible for Medicaid. Moreover, our SOS Act recognizes the formula can be even more responsive by preserving coverage during difficult times and includes a General Accounting Office study of ways to make the formula more responsive to fiscal distress during either a national or State recession.

In addition, the Strengthening Our States Act would increase Federal payments for certain services critical for special populations or federally-imposed services. It would provide enhanced Federal funding for urban Indian health services, translation services, outstationed workers, and reimbursement to health providers for emergency services delivered undocumented individuals who are otherwise eligible for Medicaid. Again, the Administration's proposal simply block grants funding for these services and steps away from its Federal responsibility.

For example, services delivered to Native Americans by Indian Health Service providers and health organizations are reimbursed at 100 percent federal match currently in recognition of the Federal responsibility and role in delivering services to Native Americans apart from States. Under a block grant, the Federal match is eliminated and the Federal role in providing care to Native Americans is abandoned. This is contrary to longstanding Federal policy and its relationship with tribes and tribal organizations and to

policy by the National Governors' Association.

And finally, with respect to giving States flexibility and assistance to expand upon existing coverage options, the Strengthening Our States Act is far better and responsive to states than a block grant. Block grants do not adjust for population changes, recessions, or efforts to expand coverage by States. At its unveiling, Secretary Thompson spoke about the added options the block grants offer States to expand coverage. However, it does so with no new funding. This offer of flexibility is, therefore, illusory.

In fact, because Federal funding is capped for optional populations by the Administration's block grant, states cannot draw down additional Federal support when it chooses to expand coverage. Under current law and the SOS Act, they can. Some of the more ground-breaking efforts by states such as those by Vermont, Washington, Minnesota, Rhode Island, Hawaii, and even Wisconsin, would have likely never come to pass without that added Federal support.

Therefore, the SOS Act continues and expands upon that Federal support by giving States additional coverage options, such as to set uniform eligibility levels for families rather than covering parents and children separately. The SOS Act also would make States eligible for enhanced matching funds to cover low-income working parents under Medicaid.

States should also beware of the Administration's promise of 9 percent growth rates for the next 10 years. Earlier this year, the House of Representatives passed a budget that would have reduced Medicaid spending by \$92 billion over 10 years. While that was rejected in conference, such efforts become much easier under the rubric of a block grant. Again, recent history contains many such promises and examples.

For example, as the NGA policy on the Social Service Block Grant notes, during passage of TANF, "Congress and the Administration made a commitment to Governors to fund SSBG at \$2.38 billion each year through fiscal year 2002, with the funding increasing to \$2.8 billion in fiscal 2003 and each year thereafter." The reality is that funding has been reduced to \$1.7 billion in fiscal years 2002 and 2003, 65 percent below the promised funding levels.

There is an old saying, which goes, "Fool me once, shame on you. Fool me twice, shame on me." When members of Congress and future Administrations see 9 percent growth rates in these Medicaid block grants and have a particular tax cut, Medicare change, transportation program, or whatever they wish to fund, you can already hear them saying, "What if we just reduce the growth rates to 8 percent or 7 percent or 6 percent or 5 percent. . . ." Well, we all can see where this rapidly heads and we have all been fooled once before.

Some governors, including Secretary Thompson, seem to have a short memory on these matters. On April 14, 1997, 41 Governors, including Secretary Thompson, Bush Administration Cabinet Members Tom Ridge, and Christine Todd Whitman, wrote President Clinton, and said: "We adamantly oppose a cap on federal Medicaid spending in any form. Unilateral caps in federal Medicaid spending will result in cost shifts to states, enabling the federal government to balance its budget at the expense of the states."

What was true then remains true 6 years later.

Moreover, on behalf of the NGA, Governors Bob Miller of Nevada and Mike Leavitt testified before the Senate Finance Committee and made the following statement: "... caps could result in states becoming solely responsible for unexpected program costs, such as a loss in a lawsuit on reimbursement rates or the development of expensive new therapies that drive up treatment costs beyond the federal allowable rate.

They added: "... the cost shift resulting from a unilateral cap would present states with a number of bad alternatives. States essentially would have to choose between cutting back on payment rates to providers, eliminating optional benefits provided to recipients, ending coverage for optional beneficiaries, or coming up with additional state funds to absorb 100 percent of the cost of services."

I do not see why this needs to be an all-or-nothing proposition. Why do we have to throw out the entire Medicaid financing structure, which benefits States, beneficiaries, and providers, in order to grant States additional flexibility to their programs?

In 1997, we rejected the all-or-nothing proposal and worked with the States and gave them a package of added flexibility, including the ability to enroll much of their Medicaid population in managed care without the need for a waiver.

Secretary Thompson talks a great deal about the flexibility the block grant offers and cites the need to allow States the ability to move people out of institutional settings into more appropriate home- and community-based settings and is right. Under the block grant, States are only granted additional flexibility to do so if they accept a block grant. In contrast, the SOS Act provides States an enhanced Federal matching rate to provide home- and community-based services.

However, rather than saying to States that they can only do so through the acceptance of a block grant, why can't we provide them this option without the imposition of a Federal limit on funding? Both states and beneficiary groups are asking for it and we can and should act.

It is on this point that I must add that the Medicaid program was not created for Federal officials or governors. We all clearly need to be reminded that

there are other stakeholders in the Medicaid program, including the 43 million people served by the program.

As Alan Weil of the Urban Institute and the former Medicaid director of the State of Colorado wrote in a recent article published in Health Affairs: "If money is at the heart of debates over Medicaid, the millions of indigent people whose varied and complex medical needs are met by the program are its sole. The amount of human suffering the program alleviates is immense."

As the Administration attempts to proceed on negotiations with the governors on a deal on block grants, let's not forget the children, mothers, seniors, and people with disabilities served by Medicaid. The SOS Act provides a far better alternative.

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. 1012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Strengthening Our States Act of 2003" or the "SOS Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—STRENGTHENING FEDERAL RESPONSIBILITY FOR MEDICARE BENEFICIARIES

- Sec. 101. Assuming Federal responsibility for all medicare cost-sharing.
- Sec. 102. Expanded protections for low income medicare beneficiaries.

TITLE II—PROVIDING STATES FISCAL RELIEF

- Sec. 201. Temporary increase of medicaid FMAP.
- Sec. 202. Temporary grants for State fiscal relief.
- Sec. 203. Increasing medicaid DSH allotments.
- Sec. 204. Increased State access to unspent SCHIP funds.
- Sec. 205. Federal responsibility for emergency care for illegal immigrants.
- Sec. 206. Increased Federal responsibility for translation services.
- Sec. 207. Increased Federal matching rates for certain services.

TITLE III—HELPING STATES WITH COMMITMENT TO ELDERLY AND DISABLED; FAMILY OPPORTUNITY ACT

Subtitle A—Elderly and Persons with Disabilities

- Sec. 301. Full accounting of savings in determining cost-effectiveness.
- Sec. 302. Extension of medicaid coverage under the ticket to work program to cover spouses.
- Sec. 303. Encouraging transition to home and community care.
- Sec. 304. Enhanced matching rate for disabled individuals awaiting medicare eligibility.
- Sec. 305. Providing initial term of 5 years for section 1915 waivers.
- Sec. 306. Optional coverage of community-based attendant services and supports under the medicaid program.

Subtitle B—Family Opportunity Act

- Sec. 311. Short title.
- Sec. 312. Opportunity for families of disabled children to purchase medicaid coverage for such children.
- Sec. 313. Treatment of inpatient psychiatric hospital services for individuals under age 21 in home or community-based services waivers.
- Sec. 314. Demonstration of coverage under the medicaid program of children with potentially severe disabilities.
- Sec. 315. Development and support of family-to-family health information centers.
- Sec. 316. Restoration of medicaid eligibility for certain SSI beneficiaries.

TITLE IV—FACILITATING PROGRAM ADMINISTRATION AND PRESERVING COVERAGE

- Sec. 401. Allowing uniform coverage of all low income Americans.
- Sec. 402. Facilitating coverage of families.
- Sec. 403. Assistance with coverage of legal immigrants under the medicaid program and SCHIP.
- Sec. 404. Flexibility in eligibility determinations.

TITLE I—STRENGTHENING FEDERAL RESPONSIBILITY FOR MEDICARE BENEFICIARIES

SEC. 101. ASSUMING FEDERAL RESPONSIBILITY FOR ALL MEDICARE COST-SHARING.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

- (1) by striking "and" before "(4)"; and
- (2) by inserting before the period the following: ", and (5) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided with costs described in section 1905(p)(3)".

(b) CONFORMING AMENDMENT.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by striking subsection (n).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for medicare cost-sharing for months beginning with July 2003.

SEC. 102. EXPANDED PROTECTIONS FOR LOW INCOME MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

- (1) by adding "and" at the end of clause (ii);
- (2) in clause (iii), by striking "110 percent in 1993 and 1994, and 120 percent in 1995 and years" and inserting "135 percent"; and
- (3) by striking clause (iv).

(b) CONFORMING AMENDMENT.—Section 1933 of such Act (42 U.S.C. 1396v) is repealed.

(c) EFFECTIVE DATE.—The amendments made by subsection (a), and the repeal made by subsection (b), shall apply to months after September 2003.

TITLE II—PROVIDING STATES FISCAL RELIEF

SEC. 201. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—

Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(c) GENERAL 3.73 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsections (e) and (f), for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 3.73 percentage points.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to subsection (f), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 7.46 percent of such amounts.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4); or

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) STATE ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(g) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) REPEAL.—Effective as of October 1, 2004, this section is repealed.

SEC. 202. TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

(a) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397-1397f) is amended by adding at the end the following:

"SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

"(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, \$15,000,000,000. Such funds shall be available for obligation by the State through June 30, 2005, and for expenditure by the State through September 30, 2005. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

"(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	\$170,940,139
Alaska	\$42,076,374
Amer. Samoa	\$414,007
Arizona	\$261,264,449
Arkansas	\$133,398,723
California	\$1,583,851,051
Colorado	\$143,030,332
Connecticut	\$207,204,156
Delaware	\$38,537,434
District of Columbia	\$65,034,813
Florida	\$624,655,953
Georgia	\$368,582,068
Guam	\$669,845
Hawaii	\$46,337,939
Idaho	\$48,659,904
Illinois	\$543,631,283
Indiana	\$271,629,605
Iowa	\$130,309,854
Kansas	\$94,370,028
Kentucky	\$212,122,967
Louisiana	\$239,827,085
Maine	\$92,781,591
Maryland	\$236,000,265
Massachusetts	\$472,765,757
Michigan	\$435,451,207
Minnesota	\$302,429,550
Mississippi	\$176,956,163
Missouri	\$302,534,081
Montana	\$36,437,168
Nebraska	\$79,550,313
Nevada	\$52,331,624
New Hampshire	\$54,101,351
New Jersey	\$411,954,920
New Mexico	\$112,850,197
New York	\$2,383,327,447
North Carolina	\$439,742,488
North Dakota	\$27,253,781
N. Mariana Islands	\$233,880
Ohio	\$616,448,513
Oklahoma	\$146,240,811
Oregon	\$167,002,460
Pennsylvania	\$745,862,667
Puerto Rico	\$18,916,230
Rhode Island	\$80,098,624
South Carolina	\$184,217,430
South Dakota	\$30,302,145
Tennessee	\$350,273,887
Texas	\$814,722,031
Utah	\$63,422,131
Vermont	\$40,549,714
Virgin Islands	\$624,499
Virginia	\$215,155,129
Washington	\$298,697,312
West Virginia	\$95,818,709
Wisconsin	\$270,901,128
Wyoming	\$17,496,788

"State	Allotment (in dollars)
Total	\$15,000,000,000

"(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

"(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

"(e) DEFINITION.—For purposes of this section, the term "State" means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b)."

(b) REPEAL.—Effective as of October 1, 2005, section 2008 of the Social Security Act, as added by subsection (a), is repealed.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine an appropriate index that could be used to temporarily adjust the Federal medical assistance percentage for purposes of programs authorized under the Social Security Act either with respect to all States during a period of national recession or with respect to a specific State when the State's economy takes a significant turn for the worse.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the study conducted under paragraph (1).

SEC. 203. INCREASING MEDICAID DSH ALLOTMENTS.

(a) CONTINUATION OF MEDICAID DSH ALLOTMENT ADJUSTMENTS UNDER BIPA 2000.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f))—

(A) in paragraph (2)—

(i) in the heading, by striking "THROUGH 2002" and inserting "THROUGH 2000";

(ii) by striking "ending with fiscal year 2002" and inserting "ending with fiscal year 2000"; and

(iii) in the table in such paragraph, by striking the columns labeled "FY 01" and "FY02";

(B) in paragraph (3)(A), by striking "paragraph (2)" and inserting "paragraph (4)"; and

(C) in paragraph (4), as added by section 701(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554)—

(i) by striking "FOR FISCAL YEARS 2001 AND 2002" in the heading;

(ii) in subparagraph (A), by striking "Notwithstanding paragraph (2), the" and inserting "The";

(iii) in subparagraph (C)—

(I) by striking "No APPLICATION" and inserting "APPLICATION"; and

(II) by striking "without regard to" and inserting "taking into account".

(2) INCREASE IN MEDICAID DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

(A) IN GENERAL.—Effective for DSH allotments beginning with fiscal year 2003, the item in the table contained in section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r-4(f)(2)) for the District of Columbia for the DSH allotment for FY 00 (fiscal year 2000) is amended by striking "32" and inserting "49".

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as preventing the application of section 1923(f)(4) of the Social Security Act (as amended by subsection (a)) to the District of Columbia for fiscal year 2003 and subsequent fiscal years.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to DSH allotments for fiscal years beginning with fiscal year 2003.

(b) INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.—

(1) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r-4(f)(5)) is amended—

(A) by striking “fiscal year 1999” and inserting “fiscal year 2001”;

(B) by striking “August 31, 2000” and inserting “August 31, 2002”;

(C) by striking “1 percent” each place it appears and inserting “3 percent”; and

(D) by striking “fiscal year 2001” and inserting “fiscal year 2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

SEC. 204. INCREASED STATE ACCESS TO UNSPENT SCHIP FUNDS.

(a) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking “fiscal year 2002” and inserting “fiscal year 2004”.

(b) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(A) in the heading, by striking “AND 1999” and inserting “THROUGH 2000”; and

(B) by adding at the end of subparagraph (A) the following:

“(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.”

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(A) in subparagraph (A), by inserting “or for fiscal year 2000 by the end of fiscal year 2002,” after “fiscal year 2001.”;

(B) in subparagraph (A), by striking “1998 or 1999” and inserting “1998, 1999, or 2000”;

(C) in subparagraph (A)(i)—

(i) by striking “or” at the end of subclause (I),

(ii) by striking the period at the end of subclause (II) and inserting “; or”;

(iii) by adding at the end the following new subclause:

“(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).”;

(D) in subparagraph (A)(ii), by striking “or 1999” and inserting “, 1999, or 2000”;

(E) in subparagraph (B), by striking “with respect to fiscal year 1998 or 1999”;

(F) in subparagraph (B)(ii)—

(i) by inserting “with respect to fiscal year 1998, 1999, or 2000,” after “subsection (e).”;

(ii) by striking “2002” and inserting “2004”;

(G) by adding at the end the following new subparagraph:

“(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State’s allotment for fiscal year 2000 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).”

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking “AND 1999” and inserting “, 1999, AND 2000”; and

(B) in paragraph (3)—

(i) by striking “or fiscal year 1999” and inserting “, fiscal year 1999, or fiscal year 2000”; and

(ii) by striking “or November 30, 2001” and inserting “November 30, 2001, or November 30, 2002”, respectively.

(c) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in subsection (b)(1)(B), is further amended—

(A) in the heading, by striking “2000” and inserting “2001”; and

(B) by adding at the end of subparagraph (A) the following:

“(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.”

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in subsection (b)(2), is further amended—

(A) in subparagraph (A), by inserting “or for fiscal year 2001 by the end of fiscal year 2003,” after “fiscal year 2002.”;

(B) in subparagraph (A), by striking “1999, or 2000” and inserting “1999, 2000, or 2001”;

(C) in subparagraph (A)(i)—

(i) by striking “or” at the end of subclause (II),

(ii) by striking the period at the end of subclause (III) and inserting “; or”;

(iii) by adding at the end the following new subclause:

“(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).”;

(D) in subparagraph (A)(ii), by striking “or 2000” and inserting “2000, or 2001”;

(E) in subparagraph (B)—

(i) by striking “and” at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following new clause:

“(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and”;

(F) by adding at the end the following new subparagraph:

“(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

“(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I)

for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

“(ii) the amount specified in this clause for a State is the amount by which the State’s expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State’s allotment for fiscal year 2001 under subsection (b); and

“(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).”

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking “AND 2000” and inserting “2000, AND 2001”; and

(B) in paragraph (3)—

(i) by striking “or fiscal year 2000” and inserting “fiscal year 2000, or fiscal year 2001”; and

(ii) by striking “or November 30, 2002,” and inserting “November 30, 2002, or November 30, 2003,” respectively.

(d) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

“(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

“(1) STATE OPTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

“(B) PAYMENTS TO STATES.—

“(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

“(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

“(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

“(2) QUALIFYING STATE.—In this subsection, the term ‘qualifying State’ means a State that—

“(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

“(B) satisfies the requirements described in paragraph (3).

“(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

“(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

“(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child’s lack of health insurance;

“(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

“(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

“(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

“(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

“(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

“(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

“(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

“(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

“(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).”

(e) EFFECTIVE DATE.—Subsections (a) through (c), and the amendments made by such subsections, shall be effective as if this section had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by such subsections as if this section had been enacted on September 30, 2002.

SEC. 205. FEDERAL RESPONSIBILITY FOR EMERGENCY CARE FOR ILLEGAL IMMIGRANTS.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking “plus” at the end and inserting “and”; and

(2) by adding at the end the following:

“(E) 100 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of care and services that are furnished to an alien described in subsection (v)(1) that are necessary for the treatment of an emergency medical condition, as defined in subsection (v)(3); and”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2003.

SEC. 206. INCREASED FEDERAL RESPONSIBILITY FOR TRANSLATION SERVICES.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by section 205(a), is amended by adding at the end the following:

“(F) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, medical assistance under the State plan; and”

(b) SCHIP.—Section 2105(A)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “section 1905(b))” and inserting “section 1905(b)) or, in the case of expenditures described in subparagraph (D)(iv), 90 percent”; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking “and” at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

“(D) for expenditures attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, child health assistance under the plan; and”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

SEC. 207. INCREASED FEDERAL MATCHING RATES FOR CERTAIN SERVICES.

(a) OUTSTATIONED WORKERS.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by sections 205(a) and 206(a), is amended by adding at the end the following:

“(G) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing for the receipt and initial processing of applications of children and pregnant women for medical assistance consistent with the requirements of section 1902(a)(55); plus”

(b) 100 PERCENT MATCHING RATE FOR URBAN INDIAN HEALTH SERVICES.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting “or program” after “facility”;

(2) by striking “or by” and inserting “, by”; and

(3) by inserting “, or by an urban Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act” before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

TITLE III—STRENGTHENING STATE AND FEDERAL COMMITMENT TO THE ELDERLY AND PERSONS WITH DISABILITIES; FAMILY OPPORTUNITY ACT

Subtitle A—Elderly and Persons with Disabilities

SEC. 301. FULL ACCOUNTING OF SAVINGS IN DETERMINING COST-EFFECTIVENESS.

(a) IN GENERAL.—Section 1915(c)(2)(D) of the Social Security Act (42 U.S.C. 1396n(c)(2)(D)) is amended by inserting “(reduced by average per capita reductions in spending under other Federal mandatory spending programs resulting from operation of the waiver)” after “with respect to such individuals”.

(b) EFFECTIVE DATE.—The amendment made by subsection shall take effect on the date of the enactment of this Act.

SEC. 302. EXTENSION OF MEDICAID COVERAGE UNDER THE TICKET TO WORK PROGRAM TO COVER SPOUSES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) in clause (i)(II), by inserting before the comma at the end the following: “, and at the option of a State, any individual who is the spouse of such an individual”;

(2) in clause (ii)(XIII), by inserting before the semicolon at the end the following: “, and at the option of a State, any individual who is the spouse of such an individual”;

(3) in subclause (XV), by inserting before the semicolon at the end the following: “, and at the option of a State, any individual who is the spouse of such an individual”;

(4) in subclause (XVI), by inserting before the semicolon at the end the following: “, and at the option of a State, any individual who is the spouse of such an individual”.

(b) CONFORMING AMENDMENT.—Section 1905(a)(xii) of such Act (42 U.S.C. 1396d(a)(xii)) is amended by inserting “and spouses described in clauses (i)(II), (ii)(XIII), (ii)(XV), and (ii)(XVI) of section 1902(a)(10)(A)” after “subsection (v)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, whether or not regulations implementing such amendments have been issued.

SEC. 303. ENCOURAGING TRANSITION TO HOME AND COMMUNITY CARE.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by section 101(a), is amended—

(1) by striking “and” before “(5)”;

(2) by inserting before the period the following: “, and (6) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided under a waiver under section 1915(c)”.

(b) CONFORMING AMENDMENT.—Section 1915(c) of such Act (42 U.S.C. 1396n(c)) is amended by adding at the end the following new paragraph:

“(11) For purposes of determining the amount of expenditures under this section or a State plan for purposes of applying any test of cost-effectiveness or similar test in carrying out this subsection, the provisions of section 1905(b)(6) shall not be taken into account.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003, regardless of whether the waiver under which such assistance is provided was approved before, on, or after the date of the enactment of this Act.

SEC. 304. ENHANCED MATCHING RATE FOR DISABLED INDIVIDUALS AWAITING MEDICARE ELIGIBILITY.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as

amended by sections 101(a) and 303(a), is amended—

(1) by striking “and” before “(6)”; and
 (2) by inserting before the period the following: “, and (7) the Federal medical assistance percentage shall be equal to 100 percent with respect to medical assistance provided to individuals who are not entitled to benefits under part A of title XVIII pursuant to section 226(b) but who would be entitled to such benefits pursuant to such section but for the application of a 24-month waiting period under such section”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2003.

SEC. 305. PROVIDING INITIAL TERM OF 5 YEARS FOR SECTION 1915 WAIVERS.

(a) IN GENERAL.—Subsections (d)(3) and (e)(3) of section 1915 of the Social Security Act (42 U.S.C. 1396n) are each amended by striking “3 years” and inserting “5 years”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to waivers granted on or after the date of the enactment of this Act.

SEC. 306. OPTIONAL COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) OPTIONAL COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting “(i)” after “(D)”;
 (2) by adding “and” after the semicolon; and

(3) by adding at the end the following new clause:

“(ii) at the option of the State and subject to section 1935, for the inclusion of community-based attendant services and supports for any individual who—

“(I) is eligible for medical assistance under the State plan;

“(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan); and

“(III) who chooses to receive such services and supports;

insofar as such services are appropriate for the individual’s condition according to the individual’s plan of care.”.

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS OPTION.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

“COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

“SEC. 1935. (a) COVERAGE.—

“(1) IN GENERAL.—A State may provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

“(2) ENHANCED FMAP FOR COVERAGE.—Notwithstanding section 1905(b), in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section

1902(a)(10)(D)(ii) in accordance with this section.

“(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall develop and implement the proposal through a public process which includes individuals with disabilities, elderly individuals, their representatives, and providers, and include in that proposed plan amendment—

“(1) a State process to notify and inform individuals (including individuals who live in nursing facilities, individuals who live in intermediate care facilities for the mentally retarded, and individuals who live in the community and who have an unmet need for such services) of the availability of such services and supports under the this title, and of other items and services that may be provided to the individual under this title or title XVIII; and

“(2) a quality assurance program that will maximize consumer independence and consumer control and will —

“(A) train consumers to appropriately manage their own attendant;

“(B) provide a quality review process; and

“(C) provide for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

“(c) NO EFFECT ON ABILITY TO PROVIDE COVERAGE UNDER A WAIVER.—

“(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under a waiver approved under section 1915, section 1115, or otherwise.

“(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under section 1935 for the enhanced FMAP for the provision of such coverage under this unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

“(d) DEFINITIONS.—In this title:

“(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

“(A) IN GENERAL.—The term ‘community-based attendant services and supports’ may include one or more of the following: attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions through hands-on assistance, supervision, or cueing—

“(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to by the individual or, as appropriate, the individual’s representative;

“(ii) in a home or community setting, which may include a school, workplace, or recreation or religious facility, but does not include a nursing facility or an intermediate care facility for the mentally retarded;

“(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

“(iv) the furnishing of which is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual’s representative.

“(B) INCLUDED SERVICES AND SUPPORTS.—Such term may include one or more of the following:

“(i) Tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related functions.

“(ii) The acquisition, maintenance, and enhancement of skills necessary for the indi-

vidual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions.

“(iii) Backup systems or mechanisms (such as the use of beepers), as defined by the State according to the client’s needs, to ensure continuity of services and supports.

“(iv) Voluntary training on how to select, manage, and dismiss attendants.

“(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

“(i) the provision of room and board for the individual;

“(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

“(iii) assistive technology devices and assistive technology services;

“(iv) durable medical equipment; or

“(v) home modifications.

“(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

“(E) CLARIFICATION OF PERMITTING PAYMENT OF RELATIVES FOR PROVIDING SERVICES AND SUPPORTS.—Nothing in this section shall be construed as preventing community-based attendant services and supports from being furnished to an individual by others who are related to that individual and for such others being paid for so furnishing such services and supports.

“(2) ADDITIONAL DEFINITIONS.—

“(A) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ includes eating, toileting, grooming, dressing, bathing, and transferring.

“(B) CONSUMER CONTROLLED.—The term ‘consumer controlled’ means a method of providing services and supports that allow the individual, or where appropriate, the individual’s representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

“(C) DELIVERY MODELS.—

“(i) AGENCY-PROVIDER MODEL.—The term ‘agency-provider model’ means, with respect to the provision of community-based attendant services and supports for an individual, a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

“(ii) OTHER MODELS.—The term ‘other models’ means methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include direct cash payments or use of a fiscal agent to assist in obtaining services.

“(D) HEALTH-RELATED FUNCTIONS.—The term ‘health-related functions’ means functions that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

“(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term ‘instrumental activities of daily living’ includes meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and other activities needed to participate in the community, as appropriate.

“(F) INDIVIDUAL’S REPRESENTATIVE.—The term ‘individual’s representative’ means a parent, a family member, a guardian, an advocate, or an authorized representative of an individual.”.

(c) INVESTIGATION BY STATE.—Section 1903(q)(4)(A)(i) of such Act (42 U.S.C. 1396b(q)(4)(A)(i)) is amended by inserting “and for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of community-based attendant services and supports under section 1935(b)(2)(C)” before the semicolon.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance provided for community-based attendant services and supports described in section 1935 of the Social Security Act furnished on or after that date.

Subtitle B—Family Opportunity Act

SEC. 311. SHORT TITLE.

This subtitle may be cited as the “Family Opportunity Act of 2003” or the “Dylan Lee James Act”.

SEC. 312. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—
(i) by striking “or” at the end of subclause (XVII);

(ii) by adding “or” at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

“(XIX) who are disabled children described in subsection (cc)(1);”;

(B) by adding at the end the following new subsection:

“(cc)(1) Individuals described in this paragraph are individuals—

“(A) who have not attained 18 years of age;

“(B) who would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

“(C) whose family income does not exceed such income level as the State establishes and does not exceed—

“(i) 300 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

“(ii) such higher percent of such poverty line as a State may establish, except that no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to an individual who would not be described in this subsection but for this clause.”.

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1), is amended by adding at the end the following new paragraph:

“(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State may—

“(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent’s child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

“(ii) if such coverage is obtained—

“(1) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section (if any) in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

“(11) treat such coverage as a third party liability under subsection (a)(25).

“(B) In the case of a parent to which subparagraph (A) applies, if the family income of such parent does not exceed 300 percent of the income official poverty line (referred to in paragraph (1)(C)(i)), a State may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.”.

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking “subsection (g)” and inserting “subsections (g) and (h)”; and

(2) by adding at the end the following new subsection:

“(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

“(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

“(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family’s income; and

“(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

“(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.”.

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting “1902(a)(10)(A)(ii)(XIX),” after “1902(a)(10)(A)(ii)(XVIII).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 2004.

SEC. 313. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting “, or inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) in the second sentence, by inserting “, or inpatient psychiatric hospital services for individuals under age 21” before the period;

(2) in paragraph (2)(B), by striking “or services in an intermediate care facility for the mentally retarded” each place it appears and inserting “, services in an intermediate

care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21”;

(3) by striking paragraph (2)(C) and inserting the following:

“(C) such individuals who are determined to be likely to require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21, are informed of the feasible alternatives, if available under the waiver, at the choice of such individuals, to the provision of inpatient hospital services, nursing facility services, services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21;”;

(4) in paragraph (7)(A)—

(A) by inserting “, or inpatient psychiatric hospital services for individuals under age 21,” after “intermediate care facility for the mentally retarded”; and

(B) by inserting “, or who would require inpatient psychiatric hospital services for individuals under age 21” before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after January 1, 2003.

SEC. 314. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF CHILDREN WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for approval of a demonstration project (in this section referred to as a “demonstration project”) under which up to a specified maximum number of children with a potentially severe disability (as defined in subsection (b)) are provided medical assistance under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) CHILD WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—

(1) IN GENERAL.—In this section, the term “child with a potentially severe disability” means, with respect to a demonstration project, an individual who—

(A) has not attained 21 years of age;

(B) has a physical or mental condition, disease, disorder (including a congenital birth defect or a metabolic condition), injury, or developmental disability that was incurred before the individual attained such age; and

(C) is reasonably expected, but for the receipt of medical assistance under the State Medicaid plan, to reach the level of disability defined under section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)), (determined without regard to the reference to age in subparagraph (C) of that section).

(2) EXCEPTION.—Such term does not include an individual who would be considered disabled under section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) (determined without regard to the reference to age in that section).

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project to be conducted during fiscal year 2006.

(B) CONSULTATION FOR DEVELOPMENT OF CRITERIA.—The State consults with appropriate pediatric health professionals in establishing the criteria for determining whether a child has a potentially severe disability.

(C) ANNUAL REPORT.—The State submits an annual report to the Secretary (in a uniform form and manner established by the Secretary) on the use of funds provided under the grant that includes the following:

(i) Enrollment and financial statistics on—

(I) the total number of children with a potentially severe disability enrolled in the demonstration project, disaggregated by disability;

(II) the services provided by category or code and the cost of each service so categorized or coded; and

(III) the number of children enrolled in the demonstration project who also receive services through private insurance.

(ii) With respect to the report submitted for fiscal year 2006, the results of the independent evaluation conducted under subparagraph (A).

(iii) Such additional information as the Secretary may require.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) \$16,666,000 for each of fiscal years 2002 and 2003; and

(II) \$16,667,000 for each of fiscal years 2004 through 2007.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed \$100,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to the evaluations and annual reports required under subparagraphs (A) and (C) of paragraph (2) exceed \$2,000,000 of such \$100,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2010.

(C) FUNDS ALLOCATED TO STATES.—

(i) IN GENERAL.—The Secretary shall allocate funds to States based on their applications and the availability of funds. In making such allocations, the Secretary shall ensure an equitable distribution of funds among States with large populations and States with small populations.

(ii) AVAILABILITY.—Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b))) of expenditures in the quar-

ter for medical assistance provided to children with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2005, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2007.

(e) STATE DEFINED.—In this section, the term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 315. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(c)(1) In addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2), there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2), \$10,000,000 for each of fiscal years 2002 through 2007. Funds appropriated under this paragraph shall remain available until expended.

“(2) The family-to-family health information centers described in this paragraph are centers that—

“(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

“(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

“(C) identify successful health delivery models for such children;

“(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

“(E) provide training and guidance regarding caring for such children;

“(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

“(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

“(3) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1).”

SEC. 316. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting “(aa)” after “(II)”;

(2) by striking “or who are” and inserting “, (bb) who are”; and

(3) by inserting before the comma at the end the following: “, or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without

regard to the phrase ‘the first day of the month following’ ”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the first day of the first calendar quarter that begins after the date of enactment of this Act.

TITLE IV—FACILITATING PROGRAM ADMINISTRATION AND PRESERVING COVERAGE

SEC. 401. ALLOWING UNIFORM COVERAGE OF ALL LOW INCOME AMERICANS.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking “or” at the end of subclause (XVII);

(2) by adding “or” at the end of subclause (XVIII); and

(3) by adding at the end the following the following new subclause:

“(XIX) any individual age 21 through 64 whose family income does not exceed 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;”

(b) CONFORMING AMENDMENTS.—

(1) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking “or” at the end of clause (xii);

(B) by adding “or” at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following new clause:

“(xii) individuals described in section 1902(a)(10)(A)(ii)(XIX).”

(2) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting “1902(a)(10)(A)(ii)(XIX).” after “1902(a)(10)(A)(ii)(XVIII).”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 402. FACILITATING COVERAGE OF FAMILIES.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by sections 101(a), 303(a), and 304(a), is amended—

(1) by striking “and” before “(7)”;

(2) by inserting before the period the following: “, and (8) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided for individuals who are covered under section 1925 or section 1931 by virtue of being a parent or other caretaker relative (as defined for purposes of such section) of a child and whose income does not exceed the percentage of the income official poverty line applicable under section 1902(1)(2)(C) to children who are eligible for medical assistance under section 1902(1)(1)(D)”.

(b) CONSTRUCTION.—Nothing in section 1905(b)(8) of the Social Security Act, as added by subsection (a)(2), shall be construed as preventing a State from providing medicaid benefits for individuals whose income exceeds 100 percent of the Federal poverty line at the regular FMAP.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003.

SEC. 403. ASSISTANCE WITH COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost."

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX."

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 404. FLEXIBILITY IN ELIGIBILITY DETERMINATIONS.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13)(A) Subject to the requirements of this paragraph, at the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for an individual under 19 years of age (or such higher age as determined by the State) by using a determination (made within a reasonable period, as found by the State, before its use for this purpose) of the individual's family or household income and resources, notwithstanding any differences in budget unit, disregards, deeming, or other methodology, by a Federal or State agency (or a public or private entity making such determination on behalf of such agency) specified by the plan, provided that such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations, provided that all information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under title XXI.

"(B) Any State electing the option under subparagraph (A) shall—

"(i) ensure that if an individual is determined under such subparagraph to be not eligible for medical assistance under the State plan approved under this title or for child health assistance under a State plan under title XXI, the State must subsequently determine if such individual is eligible for such assistance using the methodology that would

otherwise be applicable in determining eligibility for such an individual; and

"(ii) ensure that any information furnished by an agency specified in such subparagraph shall be furnished with reasonable promptness to the agency determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under Title XXI.

"(C) Nothing in subparagraph (A) shall be construed to restrict the ability of an individual under 19 years of age (or such higher age as specified by the State) to apply for medical assistance under a State plan approved under this title or for child health assistance under a State plan approved under title XXI under the methodology that would otherwise be applicable in determining eligibility for such an individual."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

Mr. JOHNSON. Mr. President, I rise today with my colleagues, Senators BINGAMAN, CORZINE, LAUTENBERG, CLINTON, KERRY and DAYTON, to introduce the "Strengthening Our States Act of 2003." I thank my colleagues for joining me in introducing this legislation that marks a first step in helping States being to deal with the fiscal crisis many are now facing.

These challenging economic times have forced many States to make tough decisions. Among areas affected, some States have had to start cutting benefits in their Medicaid programs in order to make ends meet. The result is less access to care and poorer health for our most vulnerable populations including: low-income, minorities and the elderly. Many States are also struggling to meet the needs of a growing uninsured population which continues to worsen as more people lose their jobs.

So far, my home State of South Dakota has been one of the lucky ones. We have not had to cut Medicaid program benefits to date and our fiscal health overall looks fairly good. I do not however have unrealistic expectations that South Dakota is protected from the current economic downturn and recognize that it is only a matter of time before my State experiences the burden of our neighbors.

The Strengthening Our States Act or SOS Act provides several strategies to address these issues by increasing coverage to the uninsured, providing flexibility in existing State Medicaid program and providing States with assistance to avoid cuts to existing Medicaid coverage. Our proposal will improve the Medicaid program without shifting costs to States as does the Bush Medicaid proposal which block grants the program. I find it particularly troubling that in times when State governments across the country are being forced to reduce or eliminate Medicaid services in order to save money, the Administration would propose to limit the Federal Government's long-term responsibility for the only kind of health program many Americans can afford.

This bill will provide temporary fiscal relief to States through a \$30 bil-

lion increase in the Federal share of Medicaid payments or FMAP. Unlike the block grant program the Administration has proposed, our bill is responsive to the immediate State needs for financial support and will keep these important bill provisions including assistance with the costs of care of the elderly and people with disabilities through 100 percent Federal financing of Medicare premiums and cost-sharing for low-income groups. The bill provides States with new flexibility in administering Medicaid and will increase access to care for many uninsured groups. It will also close several loopholes in existing law that prevent the disabled from accessing health care services while waiting to qualify for Medicare coverage. Finally, it will provide increased access to home and community based services for people with disabilities through mandatory waivers for this type of care.

States are at their wits end trying to juggle new health care priorities. Between smallpox vaccination requirements, Severe Acute Respiratory Syndrome surveillance and increased numbers of uninsured individuals, States are in great need of every bit of help we can provide. Senator DASCHLE and other colleagues in the Senate just rolled out a tax cut proposal that recognizes the current fiscal situation experienced in our States and this will provide important relief during these challenging times.

The Strengthening Our States Act is a first step in supporting our states and I hope additional steps will follow. By providing immediate Medicaid relief, we can ease some of the burden currently faced by many State governments and will hopefully prevent crises from erupting in others that are working hard to just keep afloat. I urge the Senate to support this important legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Clean Ocean and Safe Tourism, COAST, Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not to our environment, but to our economy, which depends heavily on tourism along our shore.

Until the Bush Administration came into office, there was no reason to suspect that drilling was even a remote

possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the long-standing consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that "there are areas with some reservoir potential, for example off the coast of New Jersey." In addition, the RFP explained that the study would be conducted "in anticipation of managing the exploitation of potential and proven reserves." I believe that the RFP was not only inappropriate, but probably illegal, and I was pleased when at my urging, the Administration rescinded.

But the Administration is at it again in the energy bill now before the Senate. The bill contains provisions that direct the Department of Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. The bill would allow the use of seismic surveys, dart core sampling, and other exploration technologies, which could negatively impact coastal and marine areas.

These provisions run directly counter to language that Congress has included annually in appropriations bills to prevent leasing, pre-leasing, and related activities in most areas of the Outer Continental Shelf, including areas off the New Jersey coast.

In my view, it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. This bill would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1013

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 "Clean Ocean and Safe Tourism Anti-Drilling Act" or the "COAST Anti-Drilling Act".

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

- "(1) the Mid-Atlantic planning area; or
- "(2) the North Atlantic planning area."

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veterans' Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veterans Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5—currently \$24,000 for all parts of the country—with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low-income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veteran populations.

Our Nation's veterans have made great sacrifices in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans—veterans who have sweated in the trenches to defend liberty—have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated healthcare expenses.

To allocate money to the Veterans Integrated Service Networks, VISNs, VERA divides veterans into eight priority groups. Veterans who have no

service-connected disability and whose incomes fall below \$24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in either Priority Group 7c or Priority Group 8. VERA only reimburses the treating Medical Care facility for the care that they provided to veterans in priority groups 1-5 and does not provide any Federal reimbursement for the care provided to priority group 7 and 8 veterans.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as "low-income" exceed \$24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's "low-income" classification for New York City is set at \$35,150, and for Nassau and Suffolk Counties, at \$40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c and 8 veterans.

The fundamental inequity of the VERA formula is apparent when you consider the VERA allocations do not take into account the number of veterans classified in Priority Groups 7c and 8. Because of the costs associated with these Priority Groups 7c and 8 veterans are not considered as part of the VERA allocation, and because high cost of living areas have large populations of Priority Group 7c and 8 veterans, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of non-reimbursable veterans in Priority Group 7c and 8 has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics, and those veterans who are able to access care are being treated in facilities operating under tremendous financial difficulty.

Furthermore, miscategorizing which vets qualify as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority and Groups 7c and 8 must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing

framework, low-income vets in high cost areas are often inappropriately placed in Priority Groups 7c and 8, and are forced to provide a copayment.

Recent studies by both the RAND Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. DEPARTMENT OF VETERANS AFFAIRS
HEALTH CARE PRIORITY FOR CERTAIN
LOW-INCOME VETERANS
BASED UPON REGIONAL INCOME
THRESHOLDS.**

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting “(A) who are” after “Veterans”;

(B) by inserting “and” after “through (4)”;

(C) by inserting before the period at the end the following: “, or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)”;

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking “paragraph (7)” and inserting “paragraph (5)(B)”.

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking “section 1705(a)(7)” and inserting “section 1705(a)(5)(B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to offer legislation entitled the

“Jesse Spiri Military Medical Coverage Act of 2003.” The purpose of this legislation is to close a gap in medical coverage that leaves a certain group of military officers without health care benefits. Named in honor of a young New Mexican who fell victim to this gap, this bill would extend coverage to commissioned officers who are awaiting active duty status.

Jesse Spiri grew up in the heart of southwestern New Mexico where his family instilled in him both a sense of patriotism and an appreciation for higher education. Following his graduation from high school, he enrolled at Western New Mexico University where he served in the United States Marine Corps Reserves. His dedication to each of these endeavors culminated on May 11, 2001 when he received both his bachelor's degree and his commission as a 2nd Lieutenant. Clearly, Jesse had laid a solid foundation for success in his life and, naturally, his family was extremely proud. Unfortunately, the pride and all the hopes that accompany such a crowning moment were short-lived, because one day after his graduation Jesse was diagnosed with brain cancer.

Under any circumstances, such a prognosis is demoralizing, but Jesse's situation was even more grave because receiving his commission had the effect of triggering his military status to that of “inactive reservist.” Jesse was not scheduled to gain “active duty” status until he began basic officer training in November, and since TRICARE does not fully cover reservists, his family was left with the burden of enormous medical bills—a burden they simply could not meet.

Despite the heroic efforts of the Spiri family, inquiries by my staff and others in the New Mexico congressional delegation, as well as efforts by Marine Corps lawyers to find a legal solution to the problem, Jesse Spiri, an officer of the United States Marine Corps, went without health care coverage and, hence, without proper treatment. He lost his battle with cancer in July of 2001.

It is inconceivable to me, as I am sure it is for all Americans, that because of a legislative quirk, an officer of the United States armed forces could be left completely exposed to a dread disease without even the hope of receiving available treatments. But Jesse's battle is proof that if we do not, through legislative enactment, extend full medical coverage to commissioned reservists, another promising life may be lost in similar fashion.

I know that Jim Spiri, Jesse's dad, has vowed to dedicate his life to ensuring that no family has to face what his experienced. This goal, however, should not take a lifetime to achieve. By passing the “Jesse Spiri Military Medical Coverage Act of 2003,” we can help give Jim and the entire Spiri family peace in knowing that others will have hope where Jesse did not.

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. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. ELIGIBILITY OF RESERVE OFFICERS
FOR HEALTH CARE PENDING ORDERS
TO ACTIVE DUTY FOLLOWING
COMMISSIONING.**

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”;

(2) by striking “who is on active duty” and inserting “described in paragraph (2)”;

(3) by adding at the end the following new paragraph:

“(2) Members of the uniformed services referred to in paragraph (1) are as follows:

“(A) A member of a uniformed service on active duty.

“(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

“(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

“(ii) the request for orders has been approved;

“(iii) the orders are to be issued but have not been issued; and

“(iv) the member does not have health care insurance and is not covered by any other health benefits plan.”.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

Mr. DEWINE. Mr. President, the recent nationwide publicity surrounding the murder of 27-year-old Laci Peterson and her unborn son, Conner, has renewed public concern about violence against the unborn—and rightfully so.

Not long ago, the bodies of Laci—who was eight months pregnant at the time she disappeared—and Conner were discovered on a rocky shoreline of the San Francisco Bay. Baby Conner was found near his mother with his umbilical cord still attached.

Under California State law, intentionally killing a fetus is murder, and California prosecutors are seeking to bring separate murder charges in the deaths of Laci Peterson and her unborn son. But, I want make it very clear to my colleagues here in the Senate that the murder charge that California prosecutors will bring for the death of Laci's son would not be permitted if that crime were being prosecuted under current Federal law. And that—that is why we need to pass and get signed into law the Unborn Victims of Violence Act. Let me explain.

In about half the States today, 26, if you commit a crime of violence against a pregnant woman and her unborn baby dies, you can be punished for the violence against both the mother and the unborn child. But, tragically, if you commit a Federal crime of violence against a pregnant woman and her baby dies, the death of the unborn child could essentially go unpunished. Examples of such Federal crimes of violence would include kidnapping across State lines, drug-related drive-by shootings, or assaults on Federal property.

This gap in the law leads to glaring injustices. It is time that we close this gap once and for all and let justice wrap its arms around our society's most vulnerable members.

That is why, it is imperative that we pass the Unborn Victims of Violence Act—once and for all. Today, along with several of my distinguished colleagues—Senators GRAHAM of South Carolina, HATCH, BROWNBACK, SANTORUM, KYL, VOINOVICH, MCCAIN, ENSIGN, ENZI, INHOFE, NICKLES, BUNNING, COLEMAN, CHAMBLISS, GRASSLEY, FITZGERALD, SHELBY, and TALENT—we are re-introducing our legislation. This is the fourth time that I have introduced this bill—in fact, it was the first piece of legislation that I introduced at the start of the 108th Congress. This bill is strongly supported by President Bush, and a companion measure passed the House of Representatives in two previous Congresses. I intend to take procedural steps that would make this bill eligible to be taken up directly by the Senate, without further Committee action.

I thank my colleagues for their support of this effort, and would like to recognize especially Senator GRAHAM of South Carolina, who championed this issue on the House side before joining us in the Senate. He has worked tirelessly to see to it that the most vulnerable are protected. I also would like to thank our lead House sponsors—Congresswoman MELISSA HART from Pennsylvania and my friend and colleague from Ohio, Congressman STEVE CHABOT. They, too, are working tirelessly to get this bill passed by the other Chamber and signed into law.

Our bill would establish new criminal penalties for anyone injuring or killing a fetus while committing certain Federal offenses. Specifically, this bill would make any murder or injury of an unborn child during the commission of certain existing Federal crimes a separate crime under Federal law and the Uniform Code of Military Justice. Twenty-six, 26, States already have criminalized the killing or injuring of unborn victims during a crime.

We live in a violent world. And sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. We have to protect these innocent victims. I'd like to share some disturbing examples with my colleagues of situations where the deaths

of unborn children would have gone unpunished but for the existence of State criminal laws. If these same crimes would have occurred in the 24 States today that don't have such State laws, justice would not have been served, because there is simply no Federal law in place to try these crimes.

First, let me talk about the example of Airman Gregory Robbins. In 1996, Airman Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act that results in the death or injury of an unborn child. The only available Federal offense was for the assault on the mother. This was a case in which the only available Federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio unborn victims law to convict Airman Robbins of Jasmine's death. Fortunately, upon appeal, the court upheld the lower court's ruling.

If it hadn't been for the Ohio law that was already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. That's why we need a Federal remedy to avoid having to bootstrap State laws to provide recourse when a violent act occurs during the commission of a Federal crime. A Federal remedy will ensure that crimes within Federal jurisdiction against unborn victims are punished.

Let me give you another example. In August 1999, Shiwona Pace of Little Rock, AK, was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So, he hired three thugs to beat his girlfriend so badly that she lost the unborn baby. According to Shiwona, who testified at a Senate Judiciary hearing we held in Washington on February 23, 2000:

I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, "Your baby is dying tonight." I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

In this particular case, just a few short weeks before this vicious attack, Arkansas passed its "Fetal Protection

Act." Under the State law, Erik Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first-degree battery for harm against Shiwona.

In yet another example—this one in Columbus—16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend Barbara "Bobbie" Watkins, age 15, and her 22-week-old, unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, OH, in which a victim was a fetus.

Ultimately, the fact is that it is just plain wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We must close this loophole.

As a civilized society, we must take a stand against violent crimes against children—especially those waiting to be born. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this Act.

This is about making sure justice is done when a pregnant woman is attacked. And ultimately, I think that everyone in this Chamber would agree that people who violently attack unborn babies should be punished. When acts of violence against unborn victims fall within federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. I think Shiwona Pace said it best she testified at our hearing: "The loss of any potential life should never be in vain."

I strongly urge my colleagues to join in support of this important 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. 1019

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 "Unborn Victims of Violence Act of 2003".

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

"CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

"Sec.

"1841. Causing death of or bodily injury to unborn child.

“§ 1841. Causing death of or bodily injury to unborn child

“(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child’s mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are the following:

“(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

“(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

“(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

“(c) Subsection (a) does not permit prosecution—

“(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

“(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) In this section—

“(1) the terms ‘child in utero’ and ‘child, who is in utero’ mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

“(2) the term ‘unborn child’ means a child in utero.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

“90A. Causing death of or bodily injury to unborn child 1841”.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

“§ 919a. Art. 119a. Causing death of or bodily injury to unborn child

“(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b)

and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

“(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child’s mother.

“(B) An offense under this section does not require proof that—

“(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

“(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

“(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

“(c) Subsection (a) does not permit prosecution—

“(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

“(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) In this section—

“(1) the terms ‘child in utero’ and ‘child, who is in utero’ mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

“(2) the term ‘unborn child’ means a child in utero.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 919 the following:

“919a. 119a. Causing death of or bodily injury to unborn child.”.

Mr. HATCH. Mr. President, I rise today to offer my support for the introduction of S. 119, the Unborn Victims of Violence Act of 2003. I applaud Senators DEWINE and LINDSEY GRAHAM for their longstanding and essential leadership on this issue in the Senate and the House. The importance of this issue is made tragically clear by the recent murder of Laci Peterson and her unborn son, Conner.

In my home State of Utah, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to the unborn child, the criminal faces the possibility of being prosecuted for having taken or injured that unborn life. Twenty-five additional States have similar laws on the books. Eleven of those States recognize the unborn child as a victim throughout the entire period of prenatal develop-

ment. This is only proper and, it seems to me, only just.

But under existing Federal criminal statutes, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to that unborn child, the criminal faces no consequences in our Federal criminal justice system for taking or injuring that innocent, unborn life. This is wrong and it is not justified.

This bill fixes the gap in Federal law by making it a separate Federal offense to kill or injure an unborn child during the commission of certain already-defined Federal crimes committed against the unborn child’s mother. This bill does not usurp jurisdiction over States that do not currently have laws that protect unborn victims of violence. It only applies to Federal crimes.

I cannot imagine why anyone would oppose this bill. The only reason for opposition that I can suppose is that some in the pro-choice movement believe that our bill draws attention to the effort to dehumanize, desensitize, and depersonalize the unborn child. Given the political and legal arguments of abortion supporters, it may be difficult for them to concede an unborn child is human and therefore a victim of a crime.

Nevertheless, it is not our intention in this bill to turn the debate into a battle on abortion. In no way does this bill interfere with the ability of a woman to have an abortion under current law. The bill specifically does not apply to a woman who engages in any action, legal or illegal, in regard to her unborn child. Therefore, it would not apply to any abortion to which a woman consents. In my view, we should all be able to support this modest effort to protect mothers and their unborn children.

Some will try to claim that this bill weakens domestic violence laws by diverting attention to the unborn. That is simply not true. I am a strong supporter of domestic violence laws in this Nation. I believe domestic violence is an evil plague that needs to be stopped.

For nearly 15 years, I have worked hard on the issue of domestic violence and violence against women. And when I stand here today before the entire United States Senate and offer my support for a bill, I certainly make sure that bill does not diminish in any way our capacity and will to curb domestic violence and protect women. This bill, in fact, strengthens domestic violence laws by making it a separate criminal offense under our Federal legal system to cause death or injury to an unborn child as a result of violence.

For several months now, the Nation has watched in the media the unfortunate and tragic story of Laci Peterson. She was an expectant mother from California who mysteriously vanished shortly before Christmas. In mid-April, her decomposing body and the body of her unborn child washed ashore at a San Francisco-area beach.

The Nation has witnessed a community in mourning over the disappearance and death of Laci Peterson and her unborn son, Conner. Laci Peterson was the truly tragic victim of violence that not only took her life but also the innocent life of her unborn son. This is a truly devastating story, especially for those who knew and loved Laci Peterson and eagerly awaited the birth of her son Conner. I want to do what I can to see that justice is served if there is ever a case similar to this that comes before our Federal judicial system, and that is why I support this measure.

A Fox News/Opinion Dynamics Poll conducted on April 22 and 23 indicated that of the 900 registered voters polled, 49 percent considered themselves pro-choice while only 41 percent said they are pro-life. But what is even more interesting is this same poll showed 84 percent believed Scott Peterson should be charged with two counts of homicide for murdering his wife and unborn son. California law permits criminals to be charged with murder for killing an unborn child when it has developed past the embryonic stage.

Now remember, the majority of those polled in this survey said they were pro-choice. But the tragic murder of an innocent, unborn child is shocking and twisted enough that, regardless of any stance on abortion, the vast majority of Americans strongly believe an unborn life taken in murder should result in murder charges brought against the perpetrator. It is only fair and just to ask for our Federal judicial system to incorporate such a strong desire of the American people.

Some will try to confuse the issue here. Let me be clear, the debate on this bill is not about abortion—far from it. It does not affect current law regarding abortion. This bill does not in any way interfere with or weaken domestic violence laws or laws intended to prevent violence against women. This is a simple remedy to a terrible crime. I hope that Congress will seriously consider this bill and promptly pass it.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to address the serious matter of the erosion of pay for the Federal judiciary. There is consensus among all who have seriously looked at this issue that the independence and quality of the judiciary is at risk because of the inadequacy of the current salaries of Federal judges.

The American Bar Association and Federal Bar Association issued a report on this issue in February 2001. That report documented the factors impacting erosion of judicial pay and the detri-

mental effects on the judiciary. Because of the withholding of cost-of-living adjustments, the impact of inflation, and the insufficient attempts to stabilize judicial pay, Federal judges are increasingly choosing to resign or retire. Furthermore, the report noted, the prospect of a declining salary in real terms also discourages potential candidates from seeking appointments to the bench.

In his 2002 Year-End Report, Supreme Court Chief Justice William Rehnquist identified the need to increase judicial pay as the most pressing issue facing the judiciary. He highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, "Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector."

In the Report of the National Commission on the Public Service, issued January 2003, the Chairman of the Commission, Paul Volker, made this observation: "Judicial salaries are the most egregious example of the failure of Federal compensation policies. Federal judicial salaries have lost 24 percent of their purchasing power since 1969, which is arguably inconsistent with the Constitutional provision that judicial salaries may not be reduced by Congress. . . . The lag in judicial salaries has gone on too long, and the potential for diminished quality in American jurisprudence is now too large." Accordingly, the Commission made the recommendation that Congress should grant an immediate and significant increase in judicial, executive and legislative salaries to ensure a reasonable relationship to other professional opportunities.

Responding to this report and recommendation, the Judicial Conference, at its recent meeting, unanimously adopted a Resolution which contains in part the following:

"Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of \$24,948, across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries by 16.5 percent, which will yield an average of \$24,948, across all levels of judicial offices."

Today, Senator LEAHY and I, joined by Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, and Senator CHAMBLISS are introducing a bill that will restore the lost cost-of-living adjustments which were denied to the judiciary and will help reduce the gap be-

tween Federal judicial salaries and private sector salaries which still remains.

This legislation enacts a 16.5 percent increase in the salaries of the justices of the Supreme Court and other Federal judges appointed under Article III of the Constitution, an average salary increase of about \$25,000. It does so without altering the respective provisions of title 28, United States Code, which defines their salary rates. The pay adjustment would be effective with the first pay period beginning on or after January 1, 2004, and would be applied before any annual salary adjustment authorized under the Employment Cost Index approval mechanism provided by 28 U.S.C. § 461.

The judicial officers enumerated in this bill to receive the 16.5 percent pay increase are the Chief Justice of the United States, associate justices of the Supreme Court, United States circuit judges, United States district judges, and judges of the United States Court of International Trade. In addition, this legislation would have the effect of increasing salaries of the judges of the U.S. Court of Federal Claims, bankruptcy judges and full-time United States magistrate judges whose salaries are related to the rate of pay of United States district judges.

This legislation will do much to improve retention on the bench and will aid in the recruitment of outstanding judicial candidates. I urge my colleagues to join Senator LEAHY, Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, Senator CHAMBLISS and me in this bipartisan measure.

I ask unanimous consent that the Judicial Conference Resolution, as well as the text of the legislation be printed in the RECORD.

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

JUDICIAL BRANCH COMMITTEE RESOLUTION

Whereas, in January 2003, the National Commission on the Public Service declared that "Congress should grant an immediate and significant increase in judicial, executive, and legislative salaries to ensure a reasonable relationship to other professional opportunities;" and

Whereas, the National Commission also declared that "[j]udicial salaries are the most egregious example of the failure of federal compensation policies"; and

Whereas, the National Commission found that "that the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large"; and

Whereas, the National Commission recommended that Congress' and the President's "first priority should . . . be an immediate and substantial increase in judicial salaries"; and

Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of \$24,948 across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries

by 16.5 percent, which will yield an average of \$24,948, across all levels of judicial offices.

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL SALARY INCREASE.

The annual salaries of the Chief Justice of the United States, associate justices of the Supreme Court of the United States, United States circuit judges, United States district judges, judges of the United States Court of International Trade, and judges of the United States Court of Federal Claims are increased in the amount of 16.5 percent of their respective existing annual salary rates, rounded to the nearest \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100).

SEC. 2. COORDINATION RULE.

If a pay adjustment under section 1 is to be made for an office or position as of the same date that any other pay adjustment would take effect for such office or position, the adjustment under this Act shall be made first.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2004.

AMENDMENTS SUBMITTED AND PROPOSED

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty.

TEXT OF AMENDMENTS

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty; as follows:

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO “consensus rule”; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President

shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 14, 2003 in SR-328A at 2:00 p.m. The purpose of this hearing will be to discuss the implementation of the 2002 Farm Bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003 at 2:30 p.m. in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2004.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2003, at 10:00 a.m. to conduct an oversight hearing on “The Impact of the Global Settlement.”

The Committee will also vote on S. 709, to award a Congressional Gold Medal to Prime Minister Tony Blair.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 7, 2003, at 9:30 a.m. on Climate Change in SR-253.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 7, 2003 at 10:00 a.m. in Room 485 of the Russell

Senate Office Building to conduct a Hearing on S. 550, the American Indian Probate Reform Act of 2003.

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

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Judicial Nominations” on Wednesday, May 7, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 226.

Panel II: Consuelo Maria Callahan to be United States Circuit Judge for the Ninth Circuit; Michael Chertoff to be United States Circuit Judge for the Third Circuit.

Panel III: L. Scott Coogler to be United States District Judge for the Northern District of Alabama.

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

SUBCOMMITTEE ON AIRLAND

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, at 9 a.m., in closed session to mark up the Airland programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 7, 2003, at 2:30 p.m., on Hydrogen in SR-253.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 10 a.m., in closed session to mark up the Readiness and Management programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 11:30 a.m., in closed session to mark up the Strategic Forces programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

PRIVILEGES OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Kate Byrnes, a State Department Pearson Fellow on the Senate Foreign Relations Committee, be granted privileges of the floor during consideration of the resolution of ratification of the protocols to the North Atlantic Treaty.

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

Mr. LUGAR. Madam President, I ask unanimous consent Paul Gallis of CRS be granted the privilege of the floor for the duration of the debate on NATO.

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

PUBLIC SERVICE RECOGNITION WEEK

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 130 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. 130) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during "Public Service Recognition Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 130), with its preamble, reads as follows:

S. RES. 130

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States of America is a great and prosperous Nation, and public service employees have contributed significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

- (1) help the Nation recover from natural disasters and terrorist attacks;
- (2) fight crime and fire;
- (3) deliver the mail;
- (4) teach and work in the schools;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and national parks;

(8) defend and secure critical infrastructure;

(9) improve and secure transportation and the quality and safety of water and food;

(10) build and maintain roads and bridges;

(11) provide vital strategic and support functions to our military;

(12) keep the Nation's economy stable;

(13) defend our freedom; and

(14) advance United States interests around the world;

Whereas public servants at the Federal, State, and local level are the first line of defense in maintaining homeland security;

Whereas public servants at every level of government are hard-working men and women, committed to doing a good job regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support to their efforts, contribute greatly to the security of the Nation and the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends government employees for their outstanding contributions to this great Nation;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those public servants who have given their lives in service to their country;

(4) calls upon a new generation of workers to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

MEASURES READ THE FIRST TIME—S. 1009 and S. 1019

Mr. SESSIONS. Mr. President, I understand that S. 1009 introduced by Senator LUGAR earlier today is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1009) to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. SESSIONS. Mr. President, I understand that S. 1019 introduced today is at the desk, and I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 1019) to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will remain at the desk.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, further amended by S. Res. 75, adopted March 25, 1999, and S. Res. 383, adopted October 27, 2000, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senator BILL FRIST of Tennessee, Majority Leader; Senator TED STEVENS of Alaska, President Pro Tempore (Co-Chairman); Senator THAD COCHRAN of Mississippi (Majority Administrative Co-Chairman); Senator JON KYL of Arizona (Co-Chairman); Senator TRENT LOTT of Mississippi (Co-Chairman); Senator RICHARD LUGAR of Indiana; Senator JOHN WARNER of Virginia; Senator WAYNE ALLARD of Colorado; Senator JEFF SESSIONS of Alabama; and Senator DON NICKLES of Oklahoma.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1237(E) of Public Law 106-398 and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Roger W. Robinson, Jr., of Maryland, for a term expiring Dec. 31, 2005; Robert F. Ellsworth of California, for a term expiring Dec. 31, 2004; and Michael A. Ledeen of Maryland, for a term expiring Dec. 31, 2003.

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

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

ORDERS FOR THURSDAY, MAY 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, May 8. I further ask 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 the Senate then proceed to executive session and there then be 2 minutes of debate equally divided between

the chairman and ranking member of the Foreign Relations Committee prior to a vote on the adoption of the resolution of ratification to the NATO expansion treaty, as provided under the previous order.

I further ask consent that following the vote, and notwithstanding rule XXII, the Senate then return to legislative session and resume the consideration of S. 14, the energy bill; provided further that at 12:15 p.m., on Thursday, the Senate proceed to the vote on invoking cloture on the nomination of Miguel Estrada; further, if cloture is not invoked, the Senate then proceed to the vote on invoking cloture on the nomination of Priscilla Owen. I further ask unanimous consent that if cloture is not invoked on the Owen nomination, then Senator DEWINE be recognized in morning business to speak for up to 15 minutes, to be followed by Senator DASCHLE or his designee for up to 15 minutes in morning business. I further ask consent that following those statements, the Senate proceed

to the consideration of S. 113, the FISA legislation, as under the order.

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

PROGRAM

Mr. SESSIONS. Mr. President, on behalf of the majority leader, and for the information of all Senators, tomorrow morning the Senate will immediately vote on the resolution of ratification to the NATO expansion treaty. Senators are asked to be in their seats for this historic vote. Following that vote, the Senate will resume consideration of the energy bill. At 12:15 tomorrow, the Senate will return to executive session for the votes on invoking cloture on the Estrada and Owen nominations. In addition, tomorrow afternoon, the Senate will consider and complete action on the FISA bill. Also, as previously announced, tomorrow the Senate will consider the nomination of John Roberts to be a circuit court judge for the DC Circuit.

Therefore, Members should anticipate rollcall votes throughout the afternoon, with the first vote of the day occurring at 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. SESSIONS. 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 7:53 p.m., adjourned until Thursday, May 8, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate May 7, 2003:

DEPARTMENT OF STATE

RICHARD W. ERDMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.