

assistance benefits security forces in Central Asia implicated in violations of human rights;

(D) follow the recommendations of the United States Commission on International Religious Freedom by designating Turkmenistan a Country of Particular Concern under the International Religious Freedom Act of 1998 and by making clear that Uzbekistan risks designation if conditions there do not improve;

(E) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, most notably Akezan Kazegeldin, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing United States Department of Justice investigation;

(F) support through United States assistance programs those individuals, non-governmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(3) increased levels of United States assistance to the governments of the Central Asian nations made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress towards meeting the goals outlined in paragraph (1).

By Mr. WYDEN:

S.J. Res. 51. A resolution to recognize the rights of consumers to use copyright protected works, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I am introducing a resolution that spells out what I believe should be the basic rights of consumers to use and enjoy legally acquired copyrighted works. The purpose of this resolution is simple: to establish the principle that as the Nation's copyright system evolves and adapts to new technologies, it must respect and preserve the interests of consumers. I am joined in this effort by my friend and frequent collaborator, Representative CHRIS COX, who has already introduced a similar resolution in the House.

In today's information age, intellectual property rules are the oil that helps keep the economic engine running smoothly. Digitization and the rise of the Internet have given the engine a big boost by creating new and more efficient ways of circulating, manipulating, and using information. The pace of these developments has left the copyright system scrambling to keep up.

Industry working groups have been meeting over the past several years to negotiate new copy protection rules, but consumers have not always had a prominent seat at the table, and there is a real risk that the interests of consumers could get short shift. That is why I believe it is important to affirm that new copyright protection systems must not be allowed to undermine or erode the existing rights and expectations of consumers. Existing copyright laws, under the doctrine of "fair use," permit consumers to make copies of

content for limited, non-commercial purposes. A new copyright regime for the digital world must not narrow or limit these rights. It would be a terrible irony if the advances in digital technology were to result in a step backwards for consumers.

I expect to see a great deal of activity on this subject during the next Congress—on the legislative front certainly, but also in further negotiations between industry groups and in efforts to devise new technological approaches. To ensure that the scope of "fair use" in the digital world will not be any narrower than it has been in the analog world, I believe it would be helpful for Congress to spell out its expectations concerning what legitimate fair use includes. That is what this resolution aims to do. Specifically, it says that consumers of legally acquired content should be permitted to make copies for purposes of using the content later (time-shifting), using it in a different place (space shifting), or making a backup; to use the content on different platforms or devices; to translate the content into different formats; and to use technology to achieve any of these purposes. Copyright law should not give copyright holders the ability to prohibit such legitimate, personal, non-commercial activity.

It is clear to me that the content industries face very serious challenges in preventing piracy, and that intellectual property protections must be strong. People and companies that create copyrighted works must be fairly compensated, and piracy must be punished. America's information-based economy depends on it.

But efforts to combat piracy must not come at the expense of legitimate consumer uses of intellectual property. That would be throwing out the baby with the bathwater.

I understand that the content industries have serious concerns about this resolution. I have listened to them, and I can appreciate their fear that, for example, expressing consumer rights in too absolute a fashion could open the door to someone making 1,000 copies of a CD to share with all their friends and acquaintances at no charge. That is not my intention. So the resolution I am introducing specifies that the rights in question must be exercised in a reasonable, personal, and non-commercial manner. The rights are not absolute.

Going forward, I intend to continue to listen to both sides of this debate, and to support solutions that do not upset the balance in existing law between commercial use and non-commercial, personal use. I want to protect the interests of both copyright holders and consumers. But the fact is, as of today, nobody in the Senate has stepped forward with legislation on the consumer side of this issue. This resolution helps fill that void.

Introducing this resolution now, with the end of this Congress drawing near, Congressman COX, and I are essentially

laying down a marker for next year's debate. I will work closely with my Chairman on the Senate Commerce Committee, Senator HOLLINGS, and others to move the issue forward. A positive expression affirming the reasonable interests of consumers should be part of this Nation's evolving copyright regime.

## STATEMENTS ON SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 345—EX- PRESSING SYMPATHY FOR THOSE MURDERED AND INJURED IN THE TERRORIST ATTACK IN BALI, INDONESIA, ON OCTOBER 12, 2002, EXTENDING CONDO- LENCES TO THEIR FAMILIES, AND STANDING IN SOLIDARITY WITH AUSTRALIA IN THE FIGHT AGAINST TERRORISM

Mrs. FEINSTEIN (for herself, Mr. HAGEL, Mr. HELMS, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 345

Whereas more than 180 innocent people were murdered and at least 300 injured by a cowardly and brutal terrorist bombing of a nightclub in Bali, Indonesia, on October 12, 2002, the worst terrorist incident since September 11, 2001;

Whereas those killed include two United States citizens, as well as citizens from Germany, the United Kingdom, and Canada, but the vast majority of those killed and injured were Australian, with more than 220 Australians still missing;

Whereas two American citizens are still missing;

Whereas this bloody attack appears to be part of an ongoing terror campaign by al-Qaida, and strong evidence exists that suggests the involvement of al-Qaida, together with Jemaah Islamiyah, in this attack; and

Whereas the people of the United States and Australia have developed a strong friendship based on mutual respect for democracy and freedom: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its deepest condolences and sympathies to the families of the American victims, to the other families of those murdered and injured in this heinous attack, and to the people of Australia, Great Britain, Canada, and Germany;

(2) condemns in the strongest possible terms the vicious terrorist attacks of October 12, 2002, in Bali, Indonesia;

(3) expresses the solidarity of the United States with Australia in our common struggle against terrorism;

(4) supports the Government of Australia in its call for the al-Qaida-linked Jemaah Islamiyah to be listed by the United Nations as a terrorist group;

(5) urges the Secretary of State to designate Jemaah Islamiyah as a foreign terrorist organization; and

(6) calls on the Government of Indonesia to take every appropriate measure to bring to justice those responsible for this reprehensible attack.

# SENATE RESOLUTION 346—CELEBRATING THE 90TH BIRTHDAY OF LADY BIRD JOHNSON

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 346

Whereas Mrs. Lyndon Baines Johnson was born Claudia Alta Taylor in Karnack, Texas, on December 22, 1912, the daughter of Thomas Jefferson and Minnie Pattillo Taylor;

Whereas at an early age, it was noted that she was "purty as a lady bird," and since that time she has been known to family, friends, and all Americans as "Lady Bird";

Whereas Lady Bird Johnson, as wife of the 36th President of the United States, served with great distinction as First Lady from 1963-1969;

Whereas Mrs. Johnson has dedicated her life to education and the beautification of our environment, and provided a legacy of wildflowers growing along our highways;

Whereas in 1982, Mrs. Johnson founded the National Wildflower Research Center (later renamed the Lady Bird Johnson Wildflower Center) in Austin, Texas, dedicated to the preservation and reestablishment of native plants in natural and planned landscapes;

Whereas Mrs. Johnson is the recipient of our Nation's highest civilian award, the Medal of Freedom, and in 1988 received the Congressional Gold Medal from President Ronald Reagan; and

Whereas the American people have a great and lasting admiration and affection for Lady Bird Johnson: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 90th birthday of Lady Bird Johnson on December 22, 2002;

(2) extends best wishes to Mrs. Johnson; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Lady Bird Johnson;

(B) the National Archives; and

(B) the Lyndon Baines Johnson Library and Museum.

# SENATE RESOLUTION 347—EXPRESSING THE SENSE OF THE SENATE THAT IN ORDER TO SEIZE UNIQUE SCIENTIFIC OPPORTUNITIES THE FEDERAL COMMITMENT TO BIOMEDICAL RESEARCH SHOULD BE TRIPLED OVER A TEN YEAR PERIOD BEGINNING IN 1999

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 347

Whereas past investments in biomedical research have resulted in better health, and improved quality of life for all Americans;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge regarding health and disease and revolutionized the practice of medicine;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origins of many of the new drugs and medical devices currently in use are based in biomedical research supported by the National Institutes of Health;

Whereas research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in

cancer death rates since recordkeeping was instituted;

Whereas research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia;

Whereas research sponsored by the National Institutes of Health in the last 30 years has doubled the life expectancy of sickle cell disease patients;

Whereas research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis, Lou Gehrig's Disease, cystic fibrosis, Huntington's Disease, breast cancer, skin cancer, prostate cancer, and a variety of other illnesses;

Whereas a third of all known genetic defects affect the nervous system, and so far more than 200 genes have been identified that can cause or contribute to neurological disorders, but a better understanding of multiple gene influences on disease risk, progression, and severity is needed;

Whereas research sponsored by the NIH has brought remarkable progress, with the first treatments for acute stroke and spinal cord injury, new immune therapies that ameliorate symptoms and slow the progression of multiple sclerosis, and increased drug and surgical options for Parkinson's disease, epilepsy and chronic pain;

Whereas research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET), and other imaging technologies;

Whereas the emerging understanding of the principles of biomimetics has been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents;

Whereas many Americans still face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas muscular dystrophies continue to severely affect the quality of life and shorten the lifespan of many Americans;

Whereas one in one hundred Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas women have traditionally been under-represented in medical research protocols, yet are severely affected by diseases including breast cancer; ovarian cancer; and osteoporosis and cardiovascular disorders;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a leading cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV, however at least 320,000 Americans are now suffering from AIDS and hundreds of thousands more with HIV infection;

Whereas diabetes, both insulin and non-insulin forms, afflict over 16 million Americans and place them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis and nerve degeneration;

Whereas research sponsored by the National Institutes of Health has mapped and sequenced the entire human genome ahead of schedule, thereby ushering in a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas an unprecedented variety of new treatments and prevention strategies for neurological disorders are under development, including drugs that are targeted at specific molecular processes, stem cell therapies that replace lost nerve cells, neural prostheses that read control signals directly from the brain, vaccines that target neurodegeneration, implantable electrical stimulators that compensate for brain circuits unbalanced by disease, vectors to repair or replace defective genes, and behavioral interventions that encourage the brain's latent capacity to repair itself;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and in developing new skills among scientific investigators; and

Whereas most Americans show overwhelming support for an increased Federal investment in biomedical research:

Now, therefore, be it

*Resolved*,

## SECTION 1. SHORT TITLE.

This resolution may be cited as the "Resolution for the Tripling of Biomedical Research".

## SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for the National Institutes of Health should be tripled over the ten year period from fiscal year 1999 to 2008.

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution with respect to the National Institutes of Health. The progress on medical research has been astounding, thanks to remarkable biomedical research and achievements.

When I came to the Senate after being elected in 1980, the budget for the National Institutes of Health was \$3.6 billion. The Senate bill this year will advance that funding to more than \$27 billion, and a good bit of that growth has been occasioned by the resolution which was passed in 1997 to double the NIH funding over a 5-year period.

Today I am submitting a resolution to triple the NIH funding over the 10-year period from fiscal year 1999 through the 2008.

When the resolution was passed to double NIH funding, that was a statement of the Senate's druthers, so to speak. It has been very hard to get the dollars, but we have managed to do so.

In 1998, Senator TOM HARKIN, who was then ranking member, and I, chairman—Senator HARKIN and I have passed the gavel back and forth, and it has been a seamless transition. I much prefer to be the chairman, but when Senator HARKIN is the chairman, our partnership is such that we move ahead in the public interest. I learned a long time ago, if you want to get something done in Washington, you have to cross party lines.

In 1998, Senator HARKIN and I asked for an additional \$1 billion. The Budget Committee turned us down. We came to the floor and lost on a vote of 63 to 37, but got out our sharp pencils and

found the \$1 billion as a matter of priorities.

Having lost on the effort for \$1 billion, we came back the next year and asked for \$2 billion. Again, we were defeated on a floor vote. Again, we established priorities and found the \$2 billion. We had a number of votes and had difficulties in coming to the figure, but the last recorded vote on the NIH budget was 96 to 4.

There have been remarkable achievements by the National Institutes of Health. NIH research has developed effective treatments for acute leukemia.

NIH research in the past 30 years has doubled the life expectancy of sickle cell disease patients.

NIH research has resulted in the identification of the genetic mutations for osteoporosis, amyotrophic lateral sclerosis, known as Lou Gehrig's disease, cystic fibrosis, Huntington's disease, skin cancer, breast cancer, and prostate cancer.

A third of all known genetic defects affect the nervous system, and so far more than 200 genes have been identified that can cause or contribute to neurological disorders, with a better understanding of multiple gene influences on disease risk, progression, and severity.

Research by the NIH has brought remarkable progress with the first treatments for acute stroke, spinal cord injury, new immune therapies that ameliorate symptoms and slow the progression of multiple sclerosis, and increased drug and surgical options for Parkinson's disease, epilepsy, and chronic pain.

Research sponsored by the National Institutes of Health has been key in the development of the MRI, magnetic resonance imaging, positron emission tomography, and other imaging technologies.

Emerging understanding of the principles of biomimetics has been applied to the development of hard tissue, such as bone and teeth, as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, diagnostic and analytical reagents.

Notwithstanding all of these achievements, Americans continue to suffer greatly. Women have traditionally been under-represented in medical research protocols, yet are severely affected by diseases, including breast cancer, ovarian cancer, osteoporosis, and cardiovascular disorders.

Cancer remains a comprehensive threat to any tissue or organ of a body at any age and remains a leading cause of morbidity and mortality.

The extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system.

Recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV, but at least 320,000 Americans are now suffering from

AIDS and hundreds of thousands more with HIV infections.

The written resolution, which I am submitting, chronicles in greater detail the severe problems facing Americans with Parkinson's, Alzheimer's, heart ailments, cancer, and many other afflictions, but also we note the tremendous achievements of the National Institutes of Health.

There remains a great deal more to be done, and since November of 1998, when the stem cell phenomenon came upon the scene, we now have a real opportunity for enormous progress with stem cell research. That requires a change in Federal law on the Federal funding, and it is controversial because stem cells come from embryos. They come from embryos which are discarded.

Characteristically, when a dozen or so embryos are created for in vitro fertilization, many—8, 9, 10—are discarded, thrown away. If those embryos could produce life, that would be their highest form, and that is what should be done. But if the choice is discarding them or using them to save lives, it seems to me the choice is clear: To use them to save lives.

Last year, I suggested, successfully, that we have \$1 million for embryo adoption in our appropriations bill to encourage people to come forward and adopt embryos, but still many remain to be discarded.

Confusion has arisen over an issue of what is called therapeutic cloning which is confused with human cloning. There is, I think, a consensus, if not unanimity, that human cloning is undesirable. But nuclear transplantation, which has been mislabeled as therapeutic cloning, offers lifesaving procedures.

In essence, it takes a skin cell from a person and places it into an egg with the nucleus removed. The stem cells produced from this process are not rejected and can be inserted in the brain for people who suffer from Parkinson's.

Legislation will soon be proposed which will promote Federal funding on important stem cell research which has the potential to save millions of lives.

These issues of disease which confront America involve virtually all Americans in terms of someone in a family or a friend or an acquaintance suffering from these ailments.

To reiterate, Mr. President, I have sought recognition today to submit a resolution to triple funding for the National Institutes of Health over a 10-year period beginning in 1999.

As chairman, and now ranking member, of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled \$3.6 billion. In fiscal year 2003, \$27.1 billion is recommended by the

Senate Appropriations Committee. If this recommendation is signed into law, it will result in a doubling of the fiscal year 1998 level within a 5-year period. This money has been very well spent. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illness, diabetes, osteoporosis, heart disease, ALS and many others. It is clear that Congress' commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to convert these advances into treatment and cures.

Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research. And if scientists are correct, stem cell research could result in a veritable foundation of youth by replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a sense of the Senate resolution stating that funding for the NIH be doubled over 5 years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to 0, the Budget Resolution contained a \$100 million reduction for health programs. That prompted Senator HARKIN and myself to offer an amendment to the budget resolution to add \$1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was tabled by a vote of 63 to 37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, Senator HARKIN and I again introduced an amendment to the Budget Resolution which called for a \$2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57 to 41. Not to be deterred, Senator HARKIN and I again went to work with our subcommittee and we were able to add an addition \$2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator HARKIN and I yet again offered another amendment to the Budget Resolution to add \$1.4 billion to the health accounts, over and above the \$600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47 to 52, we were able to provide a \$2.3 billion increase for NIH in the fiscal year 2000 appropriation's bill.

In fiscal year 2001, Senator HARKIN and I yet again offered an amendment to the Budget Resolution to increase funding for health programs by \$1.6 billion. This amendment passed by a vote of 55 to 45. This victory brought the NIH increase to \$2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by \$200 million below that amount.

In fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator HARKIN and I, along with nine other Senators offered an amendment to add an additional \$700 million to the resolution to achieve our goal. The vote was 96 to 4. The Senate Labor-HHS Subcommittee reported a bill recommending \$23.7 billion, an increase of \$3.4 billion over the previous year's funding. But during conference negotiations with the House, we fell short of that amount by \$410 million. That meant that in order to stay on a path to double NIH, we would need to provide an increase of \$3.7 billion in the fiscal year appropriations bill.

The fiscal year 2003 bill, reported on July 22, 2002, by the Senate Appropriations Committee, contained \$3.7 billion which will complete our doubling effort.

We have fought long and hard to achieve a doubling of the NIH research dollars, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health. That is why I offer this resolution today—to call upon the Congress to triple the funding for the National Institutes of Health, so that we can continue to carry forward the important research work of the world's premier medical research facility.

I ask that my colleagues join me in supporting this resolution.

I yield the floor.

I ask unanimous consent that the text of the resolution, together with a schedule which sets forth the progress necessary to achieve the tripling of the NIH funding over the allotted period, be printed in the RECORD.

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

In FY1998, the NIH appropriation was \$13.6 billion. In FY 2003, the Senate Committee mark is \$27.2 billion. To achieve tripling, the FY 2008 level must be \$40.81 billion. Achieving this goal will require the enactment of the FY2003 NIH appropriation at the level of the Senate Committee Markup—\$27.2 billion, an increase of \$3.7 billion over FY2002, and increases of 8.45% per year for fiscal years 2004 to 2008.

Fiscal year	NIH appropriation (in billions)	\$Increase (in billions)	Percent increase
1998 .....	\$13.65		
1999 .....	15.60	1.95	14.28
2000 .....	17.79	2.19	14.04

Fiscal year	NIH appropriation (in billions)	\$Increase (in billions)	Percent increase
2001 .....	20.29	2.50	14.05
2002 .....	23.29	3.00	14.79
2003 (Senate) .....	27.20	3.70	15.89
2004 .....	29.50	2.30	8.45
2005 .....	31.99	2.49	8.45
2006 .....	34.69	2.70	8.45
2007 .....	37.63	2.93	8.45
2008 .....	40.81	3.18	8.45

#### SENATE RESOLUTION 348—RECOGNIZING SENATOR HENRY JACKSON, COMMEMORATING THE 30TH ANNIVERSARY OF THE INTRODUCTION OF THE JACKSON-VANIK AMENDMENT, AND REAFFIRMING THE COMMITMENT OF THE SENATE TO COMBAT HUMAN RIGHTS VIOLATIONS WORLDWIDE

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 348

Whereas Henry M. Jackson served as the Senator from the State of Washington from January 3, 1953, to September 1, 1983;

Whereas Senator Jackson fought tirelessly, in spite of opposition from the executive branch, to expose human rights violations in the former Soviet Union and to find a way for Soviet Jews to worship freely;

Whereas on October 4, 1972, Senator Jackson first introduced legislation that linked United States trade benefits, now known as normal trade relations, to the emigration and human rights policies of Communist or formerly Communist countries;

Whereas Senator Jackson, in introducing the legislation, stated "In moving as we are today we are giving birth to a bipartisan coalition for freedom. It is the least we can do.";

Whereas Senator Jackson expressed the importance of exposing the human rights situation in the former Soviet Union by quoting Russian Nobel laureate Alexander Solzhenitsyn's statement that "there are no internal affairs left on our crowded earth";

Whereas Senator Jackson's legislation became known as the Jackson-Vanik Amendment and was enacted into law on January 3, 1975, as title IV of the Trade Act of 1974;

Whereas by highlighting human rights abuses in the former Soviet Union and other Communist countries, the Jackson-Vanik Amendment helped pave the way toward the end of the Cold War, aided in the activation of United States' and multilateral mechanisms to promote human rights globally, including the Helsinki Final Act, and reaffirmed the role of Congress in formulating our Nation's human rights policy;

Whereas the Jackson-Vanik Amendment opened the door for over 1,000,000 Jews to emigrate from the former Soviet Union and its successor states;

Whereas since 1975, over 500,000 refugees from areas of the former Soviet Union, many of them Jews, have been resettled in the United States and over 1,000,000 Soviet Jews have immigrated to Israel;

Whereas former Soviet dissident and current Israeli cabinet minister Natan Sharansky called the Jackson-Vanik Amendment "the turning point not only in the exodus of the Jews but in the ultimate victory of the West over the Soviet Union in the Cold War";

Whereas Natan Sharansky also hailed the Jackson-Vanik Amendment as a "historical and practical weapon" for Zionists that

added to the spiritual weapon of their Jewish heritage;

Whereas on the 20th anniversary of the passing of the Jackson-Vanik Amendment, Ehud Olmert, the Mayor of Jerusalem, stated that Henry Jackson was "a leader, a pacesetter and an inspiration for all, who forced his will on the U.S. leadership and across the world"; and

Whereas October 4, 2002, marks the 30th anniversary of the introduction of the Jackson-Vanik Amendment: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Senator Henry M. Jackson for the introduction of the Jackson-Vanik Amendment, a historic piece of legislation that paved the way for millions of refugees to flee Communist oppression and hastened the end of the Cold War;

(2) commemorates the 30th anniversary of the introduction of the Jackson-Vanik Amendment;

(3) reaffirms the commitment of the Senate to combating human rights violations and promoting tolerance and freedom throughout former Communist nations and worldwide; and

(4) congratulates Mrs. Helen Jackson and the Henry M. Jackson Foundation for continuing Senator Jackson's vision and passion for dialogue, understanding, and human freedom.

#### SENATE RESOLUTION 349—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. DODD submitted the following resolution; which was considered and agreed to:

##### S. RES. 349

*Resolved*, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 108th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, 1,500 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 1000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

#### SENATE RESOLUTION 350—EXPRESSING SYMPATHY FOR THOSE MURDERED AND INJURED IN THE TERRORIST ATTACK IN BALI, INDONESIA, ON OCTOBER 12, 2002, EXTENDING CONDOLENCES TO THEIR FAMILIES, AND STANDING IN SOLIDARITY WITH AUSTRALIA IN THE FIGHT AGAINST TERRORISM

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

##### S. RES. 350

Whereas more than 180 innocent people were murdered and at least 300 injured by a cowardly and brutal terrorist bombing of a nightclub in Bali, Indonesia, on October 12, 2002, the worst terrorist incident since September 11, 2001;

Whereas those killed include two United States citizens, as well as citizens from Indonesia, Germany, the United Kingdom, Canada, and elsewhere but the vast majority of those killed and injured were Australian, with more than 119 Australians still missing;

Whereas two American citizens are still missing;

Whereas this bloody attack appears to be part of an ongoing terror campaign by al-Qaida, and strong evidence exists that suggests the involvement of al-Qaida, together with Jemaah Islamiyah, in this attack; and

Whereas the people of the United States and Australia have developed a strong friendship based on mutual respect for democracy and freedom: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its deepest condolences and sympathies to the families of the American victims, to the other families of those murdered and injured in this heinous attack, and to the people of Australia, Indonesia, Great Britain, Canada, and Germany;

(2) condemns in the strongest possible terms the vicious terrorist attacks of October 12, 2002, in Bali, Indonesia;

(3) expresses the solidarity of the United States with Australia in our common struggle against terrorism;

(4) supports the Government of Australia in its call for the al-Qaida-linked Jemaah Islamiyah to be listed by the United Nations as a terrorist group;

(5) urges the Secretary of State to designate Jemaah Islamiyah as a foreign terrorist organization; and

(6) calls on the Government of Indonesia to take every appropriate measure to bring to justice those responsible for this reprehensible attack.

#### SENATE RESOLUTION 351—CONDEMNING THE POSTING ON THE INTERNET OF VIDEO AND PICTURES OF THE MURDER OF DANIEL PEARL AND CALLING ON SUCH VIDEO AND PICTURES TO BE REMOVED IMMEDIATELY

Mrs. BOXER (for herself and Mr. BROWNBACK) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas Daniel Pearl, a reporter for the Wall Street Journal, was murdered by terrorists following his abduction in Pakistan on January 23, 2002;

Whereas video of Mr. Pearl's gruesome murder has been posted on web sites;

Whereas this video was made by terrorists for anti-American propaganda purposes, in an attempt to recruit new terrorists and to spread a message of hate;

Whereas posting this video on web sites undermines efforts to fight terrorism throughout the world by glorifying such heinous acts;

Whereas posting this video on web sites could invite more abductions and more murders of innocent civilians by anti-American terrorists because of the attention these heinous acts might gain from such posting; and

Whereas posting this video on the Internet shows a complete and utter disrespect for Mr. Pearl's life and legacy and a complete and utter disregard for the respect of his family: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on terrorist-produced murder video and pictures to be removed from all web sites immediately; and

(2) encourages all web-site operators to refrain from placing any terrorist-produced murder videos and pictures on the Internet.

#### SENATE RESOLUTION 352—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JUDICIAL WATCH, INC. V. WILLIAM JEFFERSON CLINTON, ET AL

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas, in the case of Judicial Watch, Inc. v. William J. Clinton, et. al, No. 1:02-cv-01633 (EGS), pending in the United States District Court for the District of Columbia, the plaintiff has named as defendants current and former Senators, along with former President William J. Clinton and several Members of the House of Representatives;

Whereas, pursuant to section 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Graham, former Senator Bryan, former Senator Robb, and any other Senator who may be named as a defendant in the case of Judicial Watch, Inc. v. William J. Clinton, et al., and who requests representation by the Senate Legal Counsel.

#### SENATE RESOLUTION 353—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN UNITED STATES V. JOHN MURTARI

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 353

Whereas, in the case of *United States v. John Murtari* Crim. Act. No. 02-CR-369, pending in the United States District Court for the Northern District of New York, testimony has been requested from Cathy Calhoun, an employee in the office of Senator Hillary Rodham Clinton;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now therefore, be it

*Resolved*, That Cathy Calhoun, and any other employees of the Senate from whom testimony or document production is required, are authorized to testify and produce documents in the cases of *United States v. John Murtari*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel if authorized to represent employees of the Senate in

connection with the testimony and document production authorized in section one of this resolution.

#### SENATE CONCURRENT RESOLUTION 154—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED HONORING GUNNERY SERGEANT JOHN BASILONE, A GREAT AMERICAN HERO

Mr. CORZINE (for himself, Mrs. CLINTON, and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 154

Whereas Gunnery Sergeant John Basilone was born in 1916 in Buffalo, New York, son of Salvatore and Dora Basilone, one of 10 children;

Whereas John Basilone was raised and educated in Raritan, New Jersey;

Whereas, at the age of 18, John Basilone enlisted in the United States Army, principally seeing garrison service in the Philippines;

Whereas, after his honorable discharge in 1937, Sergeant Basilone, known by his comrades as "Manila John", returned to Raritan;

Whereas, seeing the storm clouds of war hovering over the Nation, and believing that his place was with this country's fighting forces, Sergeant Basilone enlisted in the United States Marine Corps in July 1940;

Whereas, on October 24 and 25, 1942, on Guadalcanal, Solomon Islands, Sergeant Basilone was a member of "C" Company, 1st Battalion, 7th Regiment, 1st Marine Division, and was in charge of 2 sections of heavy machine guns defending a narrow pass that led to Henderson Airfield;

Whereas, although Sergeant Basilone and his machine gunners were vastly outnumbered and without available reinforcements, Sergeant Basilone and his fellow Marines fought valiantly to check the savage and determined assault by the Japanese Imperial Army;

Whereas, for this action, Sergeant Basilone was awarded the Congressional Medal of Honor and sent home a hero;

Whereas, in December 1944, Sergeant Basilone's restlessness to rejoin his fellow Marines, who were fighting the bloody island-to-island battles en route to the Philippines and Japan, prompted him to volunteer again for combat;

Whereas, on Iwo Jima, on February 19, 1945, Sergeant Basilone again distinguished himself by single-handedly destroying an enemy blockhouse while braving heavy-caliber fire;

Whereas, minutes later, an artillery shell killed Sergeant Basilone and 4 of his platoon members;

Whereas Sergeant Basilone was posthumously awarded the Navy Cross and Purple Heart, and a life-sized bronze statue stands in Raritan, New Jersey, where "Manila John" is clad in battle dress and cradles a machine gun in his arms;

Whereas, in 1949, the United States Government commissioned a destroyer the U.S.S. Basilone, and in November 1951, Governor Alfred E. Driscoll posthumously awarded Sergeant Basilone the State of New Jersey's highest decoration;

Whereas, following World War II, Sergeant Basilone's remains were reinterred in the Arlington National Cemetery;

Whereas Sergeant Basilone was the first recipient of the Congressional Medal of Honor awarded in World War II;

Whereas Sergeant Basilone was also awarded the Navy Cross and the Purple Heart, giving him the distinction of being the only enlisted Marine in World War II to receive all 3 medals; and

Whereas commemorative postage stamps have been commissioned to honor other great heroes in American history: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring Gunnery Sergeant John Basilone; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. CORZINE. Mr. President, I rise today to submit a resolution calling on the United States Postal Service to issue a commemorative postage stamp honoring an extraordinary American hero: Gunnery Sergeant John Basilone. Basilone is the only person in American history to be awarded both the Congressional Medal of Honor and the Navy Cross. Only one USPS stamp has ever commemorated an individual Marine, a stamp featuring John Phillip Sousa; it bears noting that although Sousa was a Marine, he was not selected for his service on the battlefield. It is time to remember the tremendous sacrifice of at least one individual Marine, John Basilone, an American Patriot.

John Basilone was raised in Raritan, New Jersey, one of ten children in a large Italian-American family. Soon after he turned 18, Basilone heeded the patriotic call and enlisted in the US Army. Basilone was immediately sent to the Philippines where he earned a nickname that would stick with him for the rest of his career. "Manila John."

Following his tour of duty in 1937, Basilone returned to Raritan. But he wouldn't stay there long. In July 1940—with much of Europe at war and the United States on the brink "Manila John" left New Jersey, enlisting in the military once again, this time joining the United States Marine Corps.

On October 24, 1942, Basilone earned his Congressional Medal of Honor. He was sent to a position on the Tenaru River at Guadalcanal and placed in command of two sections of heavy machine guns. Sergeant Basilone and his men were charged with defending Henderson Airfield, an important American foothold on the island. Although the Marine Contingent was vastly outnumbered and without needed support, Basilone and his men successfully repelled a Japanese assault. Other survivors reported that their success can be attributed to one man: "Manila John." He crossed enemy lines to replenish a dangerously low stockpile of ammunition, repaired artillery pieces, and steadied his troops in the midst of torrential rain. He went several days and nights without food or sleep, and the US military was able to carry the day. His exploits became Marine lore, and served as a patriotic inspiration to

others facing daunting challenges in the midst of war.

For his courage under fire and profound patriotism, Basilone was the first enlisted Marine to be awarded the Congressional Medal of Honor in World War II. When he returned to the United States, he was heralded as a hero and quickly sent on tour around the country to help finance the war through the sale of war bonds. The Marine Corps offered to commission Basilone as an officer and station him far away from the frontlines.

But, Basilone was not interested in riding out the war in Washington, D.C. He was quoted as saying, "I ain't no officer, and I ain't no museum piece. I belong back with my outfit." In December 1944, he got his wish and returned to the frontlines.

General Douglas MacArthur called him "a one-man army," and on February 19, 1945 at Iwo Jima, Basilone once again lived up to that reputation. Basilone destroyed an enemy stronghold, a blockhouse on that small Japanese island and commanded his young troops to move the heavy guns off the beach. Unfortunately, less than two hours into the assault on that fateful day in February, Basilone and four of his fellow marines were killed when any enemy mortar shell exploded nearby.

When Gunnery Sergeant John Basilone died, he was only 27, but he had already earned the Congressional Medal of Honor, the Navy Cross, the Purple Heart, and the appreciation of his Nation. Basilone is a true American patriot whose legacy should be preserved.

Now more than ever, the United States needs to honor and praise the courageous efforts put forth by the men and women of our military. I strongly urge my colleagues to support this resolution as an important message to our soldiers that we appreciate and admire all of their efforts in the war on terrorism.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 4891. Mr. KERRY (for himself, Mr. BROWNBACK, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers; which was referred to the Committee on Commerce, Science, and Transportation.

SA 4892. Mr. REID (for Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill H.R. 1070, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.

SA 4893. Mr. REID (for Mr. THOMPSON) proposed an amendment to the bill S. 2530, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for

certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

SA 4894. Mr. REID (for Mr. DODD) proposed an amendment to the bill S. 969, to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

SA 4895. Mr. REID (for Mr. ENSIGN (for himself, Mr. ALLARD, and Mr. ALLEN)) proposed an amendment to the bill S. 1998, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

SA 4896. Mr. REID (for Mr. BIDEN (for himself and Mr. THURMOND)) proposed an amendment to the bill S. 1868, to amend the National Child Protection Act of 1993, and for other purposes.

SA 4897. Mr. REID (for Mr. SARBANES) proposed an amendment to the bill S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

#### TEXT OF AMENDMENTS

**SA 4891.** Mr. KERRY (for himself, Mr. BROWNBACK, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike out all after the enacting clause and insert the following:

##### SECTION 1. RELIEF FROM CONTINUING OBLIGATIONS.

A winning bidder to which the Commission has not granted an Auction 35 license may irrevocably elect to relinquish any right, title, or interest in that license and the associated license application by formal written notice to the Commission. Such an election may only be made within 30 days after the date of enactment of this Act. A winning bidder that makes such an election shall be free of any obligation the winning bidder would otherwise have with respect to that license, the associated license application, and the associated winning bid, including the obligation to pay the amount of its winning bid that would be otherwise due for such license.

##### SEC. 2. RETURN OF DEPOSITS AND DOWNPAYMENTS.

Within 37 days after receiving an election that meets the requirements of section 3 from an Auction 35 winning bidder that has made the election described in section 1, the Commission shall refund any deposit or down-payment made with respect to a winning bidder for the license that is the subject of the election.

##### SEC. 3. COMMISSION TO ISSUE PUBLIC NOTICE.

(a) PUBLIC NOTICE.—Within 5 days after the date of enactment of this Act, the Commission shall issue a public notice specifying the form and the process for the return of deposits and downpayments under section 2.

(b) TIME FOR ELECTION.—An election under this section is not valid unless it is made within 30 days after the date of enactment of this Act.

##### SEC. 4. WAIVER OF PAPERWORK REDUCTION ACT REQUIREMENTS.

Section 3507 of title 44, United States Code, shall not apply to the Commission's implementation of this Act.

##### SEC. 5. NO INFERENCE WITH RESPECT TO NEXTWAVE CASE.

It is the sense of the Congress that no inference with respect to any issue of law or