

victims, and we must avoid that. We do little good for the country that way.

Mr. REID. Mr. President, Senators CANTWELL and GRASSLEY and others have an amendment at the desk. I ask that that amendment be considered and agreed to; that the committee substitute, as amended, be agreed to; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 4954) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1742), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, let me say I have been working in recent hours with the Senator from Washington, Ms. CANTWELL. She has worked tirelessly on this piece of legislation. She has given a number of statements on the floor related to this issue, dealing with what has taken place and what she knows regarding identity theft. I commend and applaud her for her diligence and perseverance. The burden is now on the House of Representatives. They are still in session. There is no reason in the world that they cannot pass this most important piece of legislation.

#### EXECUTIVE SESSION

##### PROMOTIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and the list of Coast Guard promotions which are at the desk be discharged from the Commerce Committee, the Senate proceed to their consideration, that the nominations be confirmed, the motions to reconsider be laid on the table, and that any statements appear at the appropriate place in the RECORD as if read, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

##### U.S. COAST GUARD

###### *To be lieutenant*

Dana B. Reid

##### U.S. COAST GUARD RESERVE

###### *To be captain*

Douglas A Ash  
Salvatore Brillante  
Timothy M. Butler  
Jeanne Cassidy  
Daniel R. Croce  
Sidney J. Duck III

Wayne C. Dumas  
Kendel D. Feilen  
Doreen D. Fuller  
Robert W. Grabb  
William C. Hansen  
Maureen B. Harkins  
Stephen N. Jackson  
Mark A. Jones  
John W. Long  
John J. Madeira  
David A. Maes  
David G. O'Brien  
David W. Springer  
Warren E. Soloduk

##### U.S. COAST GUARD

###### *To be lieutenant commander*

Anthony J. Alarid  
Michael S. Antonellis  
Michael A. Arguelles  
Hector A. Avella  
Paul E. Baker  
Barbara J. Barata  
Christopher M. Barrows  
Edward K. Beale  
Scott A. Beauregard  
William D. Bellatty  
Bryan R. Bender  
Ralph L. Benhart  
Benjamin A. Benson  
David F. Berliner  
Paul R. Bissillon  
Ronald E. Brahm  
John A. Brenner  
Donald L. Brown  
Timothy J. Buchanan  
Russell S. Burnside  
William Carter  
Anthony J. Ceraolo  
Patrick W. Clark  
Leslie W. Clayborne  
Rocky L. Cole  
Richard W. Condit  
Vernon E. Craig  
Michael W. Cribbs  
Christopher Curatilo  
Gregory J. Czerwinka  
Christel A. Dahl  
Bryan E. Dailey  
James W. Dalitsch  
Timothy E. Darley  
Joseph E. Deer  
Ann B. Deyoung  
Edwin Diazrosario  
Timothy E. Dickerson  
Douglas C. Dixon  
Jean T. Donaldson  
Charlene L. Downey  
Patrick J. Dugan  
Kathryn C. Dunbar  
John C. Durbin  
Bryan L. Durr  
Brian E. Edmiston  
David M. Ehlers  
Thomas M. Emerick  
Dennis C. Evans  
Rendall B. Farley  
Dale C. Folsom  
Christopher W. Forando  
Gregory T. Fuller  
Eric J. Gandee  
George D. Ganoung  
Christian J. Glander  
Michael W. Glander  
Gene G. Gonzales  
Jeffrey W. Good  
Mark D. Gordon  
Samuel J. Goswellen  
Thomas A. Griffiths  
Jason R. Hamilton  
Kevin J. Hanson  
James A. Healy  
Joseph J. Healy  
Michael L. Hershberger  
Joseph P. Higgins  
Daniel J. Higman  
Russell E. Holmes  
Katherine A. Howard

Jerry A. Hubbard  
David A. Husted  
Jeffrey A. Janszen  
Terrence M. Johns  
Eugene E. Johnson  
Lamar V. Johnson  
Richard L. Jung  
Stephen D. Jutras  
Robert M. Keith  
Quentin C. Kent  
Ian R. Kiemann  
Scott H. Kim  
Erich F. Klein  
Nicholas R. Koester  
Joseph E. Kramek  
Miriam L. Lafferty  
Burt A. Lahn  
Robert J. Landolfi  
Steven A. Lang  
James R. Langevin  
Scott E. Langum  
Keith H. Laplant  
Scott X. Larson  
Stephen G. Lefave  
Michael R. Leonguerrero  
Michael C. Long  
Jess P. Lopez  
Juan Lopez  
Tung T. Ly  
Lisa K. Mack  
William J. Makell  
Joseph P. Malinauskas  
August T. Martin  
Carol L. McCarther  
Thomas W. McDevitt  
Steven P. McGee  
Patrick W. McMahon  
Jason A. Merriweather  
James F. Miller  
James W. Mitchell  
Kevin G. Morgan  
Patrick J. Murphy  
Nicole S. Nancarrow  
Randall J. Navarro  
Jack C. Neve  
Anthony J. Nygra  
Robert R. Oatman  
Stephen H. Ober  
Steven F. Osgood  
Keith A. Overstreet  
Geoffrey D. Owen  
Kim J. Pacsai  
John K. Park  
Edwin W. Parkinson  
Vincent E. Patterson  
Kevin Y. Pekarek  
Daryl R. Peloquin  
Matthew F. Perciak  
Cornell I. Perry  
Mark G. Phipps  
Zachary H. Pickett  
Kenneth A. Pierro  
Michael E. Platt  
Nathan A. Podoll  
Gary K. Polaski  
Ronald P. Poole  
Kenneth U. Potalicchio  
Steven J. Prun  
Lee S. Putnam  
Gregory M. Rainey  
Jeffrey K. Randall  
Sean P. Regan  
Francisco S. Rego  
James M. Reilly  
Joshua D. Reynolds  
Rodd M. Ricklefs  
Ronald L. Riedinger  
James V. Rocco  
Stanley T. Romanowicz  
Shannon D. Rooney  
Charles A. Roskam  
Kiley R. Ross  
Aaron E. Roth  
Warren J. Russell  
Matthew A. Rymer  
Kristina E. Saliceti  
Christopher S. Schubert  
James W. Seeman

Edward B. Sheppard  
 John P. Sherlock  
 Arthur R. Shuman  
 Michael J. Simbulan  
 Darell Singleterry  
 Jerome F. Sinnaeve  
 Charles G. Smith  
 Matthew J. Smith  
 Robert L. Smith  
 Stuart M. Sockman  
 Gregory Stanclik  
 Bion B. Stewart  
 Anthony A. Stobbe  
 Paul M. Stocklin  
 Carrie M. Stoffel  
 Christopher A. Strong  
 Charles W. Tenney  
 Laura J. Thompson  
 Theresa L. Tierney  
 Shawn C. Tripp  
 Nancy J. Truax  
 Adam J. Tyndale  
 Daniel D. Unruh  
 Joseph G. Uzmann  
 Matthew R. Walker  
 Daniel P. Walsh  
 Thomas F. Walsh  
 Michelle R. Webber  
 Michael C. Wessel  
 Richard J. Wester  
 Sherman P. Whitmore  
 Gary S. Williams  
 Donald L. Winfield  
 Charles T. Wright  
 Jeffrey V. Yarosh  
 Michael E. Yensz  
 Cherian Zachariah  
 Michael B. Zamperini

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-19 AND TREATY DOCUMENT NO. 107-20

Mr. REID. I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on November 14, 2002, by the President of the United States:

Convention with Great Britain and Northern Ireland regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. 107-19); and

Protocol Amending Convention with Australia regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. 107-20).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The messages of the President are as follows:

#### *To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital Gains, signed at London on July 24, 2001, together with an exchange of notes, as amended by the

Protocol signed at Washington on July 19, 2002 (the "Convention"). I also transmit the report of the Department of State concerning the Convention.

The proposed Convention transmitted herewith would replace the Convention Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at London on December 31, 1975, as modified by a subsequent agreement and protocols.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides for maximum rates of tax to be applied to various types of income, protection from double taxation of income, and for the exchange of information. The Convention also contains rules making its benefits unavailable to persons who are engaged in treaty shopping. The proposed Convention is the first U.S. income tax convention to provide a zero rate of withholding on certain direct investment dividends.

I recommend that the Senate give early and favorable consideration to this Convention, and that the Senate give its advice and consent to ratification.

#### *To the Senate of the United States:*

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Canberra on September 27, 2001 (the "Protocol"). I also transmit, for the information of the Senate, the report of the Department of State concerning the Protocol.

The Convention, as amended by the Protocol, would be similar to recent tax treaties between the United States and other developed nations. It provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention, as amended by the Protocol, also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol, and that the Senate give its advice and consent to ratification.

#### TREATY WITH THE GOVERNMENT OF THE REPUBLIC OF HONDURAS FOR THE RETURN OF STOLEN, ROBBED, OR EMBEZZLED VEHICLES AND AIRCRAFT

Mr. REID. I ask unanimous consent the Senate proceed to consider Executive Calendar No. 12, the Treaty with Honduras, the treaty be advanced through its parliamentary stages up to

and including the presentation of the resolution of the ratification, and the Senate now vote on the resolution of ratification.

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

The question is on agreeing to the resolution of ratification.

Senators in favor of the resolution, please stand. (After a pause.) All those opposed, please stand.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107-15).*

#### EXTRADITION TREATY WITH PERU

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 13, Extradition Treaty with Peru, the treaty be advanced through its parliamentary stages up through and including the presentation of the resolution of ratification, and that the understanding and the condition be agreed to, and the Senate vote on the resolution of ratification.

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

The question is on agreeing to the resolution of ratification. Senators in favor of the resolution, please stand. (After a pause.) All those opposed, please stand.

In the opinion of the Chair, two-thirds of those present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification and condition are as follows:

*Resolved, (two-thirds of the Senators present concurring therein),*

Section 1. Advice and Consent to Ratification of the Extradition Treaty with Peru, subject to an understanding and a condition.

The Senate advises and consents to the ratification of the Extradition Treaty Between the United States of America and the Republic of Peru, signed at Lima on July 26, 2001 (Treaty Doc. 107-6; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the condition in section 3.

#### Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XIII concerning the Rule of Speciality would preclude the surrender of any person extradited to the Republic of Peru from the United States to the International Criminal Court, unless the United States consents to such surrender; and the United States shall not consent to any such