

MEASURE PLACED ON THE
CALENDAR—S. 241

Mr. McCONNELL. Mr. President, I understand that S. 241 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 241) to amend the Coastal Zone Management Act.

Mr. McCONNELL. I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to address the Senate for a period not to exceed 30 minutes.

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

TRIBUTE TO DAVID HOPPE

Mr. KYL. Mr. President, I pay special tribute to a member of the staff of Senator TRENT LOTT who is going to be leaving his Senate responsibilities and going elsewhere in this city to work in the private sector. For many years, David Hoppe has worked in various capacities for Senator LOTT, most recently as his chief of staff when he was majority leader. He also has worked as his staff director. He also worked for Representative Jack Kemp. He has had positions in the Heritage Foundation, as well as working on his own previously. He is a specialist in a variety of areas, including the area of energy policy. I think most of us remember David as someone who was always very clear headed, very level headed, and very helpful to all of us, minority and majority, as we worked in the Senate.

It can be a very hectic proposition to try to juggle all of the things that have to be juggled on the floor, and it takes a very level-headed person to be able to manage the egos of 100 Senators and deal with the majority leader's responsibilities. David Hoppe always did that with great aplomb, and it will be our loss that he leaves the Senate, but I am sure we will not hear the last of David Hoppe. My hat is off to him for his many years of service. I wish him the very best in his new career.

NOMINATION OF MIGUEL ESTRADA

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD three separate items. The first, as was mentioned by the distinguished assistant majority leader, concerns the Judiciary Committee that is meeting today to consider the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals. I left that meeting in order to be in the Chamber but will be casting my vote in support of his nomination.

I ask unanimous consent to have printed in the RECORD an editorial appearing in today's Wall Street Journal by Herman Badillo, who illustrates some of the reasons why Miguel Estrada should be confirmed when he is brought before the full Senate.

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

[From the Wall Street Journal, Jan. 30, 2003]

QUÉ PASA, CHUCK?

(By Herman Badillo)

NEW YORK.—Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."

But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corralling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom—the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task force, put it well when he said that these liberal Hispanic

groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanic are most united in one thing—the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

INCOME TAXES

Mr. KYL. Secondly, I ask unanimous consent to print in the RECORD a Wall Street Journal editorial dated Monday, January 27, which is entitled "No More Than 30 Percent." This complements some comments I made yesterday regarding President Bush's tax plan and makes the point that most Americans, rich or poor, agree that the most any American should ever have to pay in income taxes is 30 percent. In fact, most people believe it should be no higher than 30 percent. So even though we have a lot of Americans who are extraordinarily wealthy, by far and away most Americans believe confiscatory taxation violates America's sense of fairness.

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

[From the Wall Street Journal, Jan. 27, 2003]

NO MORE THAN 30%

The political class warriors can never seem to figure out why their "tax cuts for the rich" mantra fails to sway the American public. In the spirit of educating even our opponents, we'd point them to a recent poll from Fox News.

In addition to the usual questions about President Bush's tax cut proposals, the poll asked voters what is the maximum share of income that any American should pay in taxes. More than half think it should be no

more than 20%, and another quarter think it should be somewhere between 20% and 30%. So nearly eight of every 10 Americans think that no one, not even Bill Gates, should pay more than 30% to the government.

Now, even we'll admit to the sin of thinking once in a while that the world would be better off if a few people (Ted Turner, say, or George Soros) were taxed at confiscatory rates. So how to explain such a poll result? One answer is that Americans put more faith in their aspirations than do the envy specialists of Europe or Brookline, Mass. They appreciate America's class mobility and expect, or at least hope, that someday they too will be rich.

But the more fundamental answer may be that confiscatory taxation violates America's sense of fairness. Most Americans simply believe it is wrong, unjust even, for the government to take more than a third (or even a fifth) of the hard-earned income of even the very rich. It is, after all, their money.

Honesty compels us to concede, however, that the Fox poll does give America's income redistributionists some reason to hope. About 1% think the government is entitled to take "whatever" it wants, presumably 100% if need be. This may be a small socialist cadre, but they are clearly committed.

STANDING UNITED

Mr. KYL. Finally, I ask unanimous consent to print in the RECORD a letter from several international leaders called "Europe and America Must Stand United," reprinted from the Wall Street Journal. It is signed by representatives from Spain, Portugal, Italy, the United Kingdom, the Czech Republic, Hungary, Poland, and Denmark. It makes the point that other countries in Europe stand with the United States in our determination to bring the country of Iraq into compliance with the norms of international behavior and U.N. resolutions that apply to its weapons of mass destruction program.

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

[From the Wall Street Journal, Jan. 30, 2003]

EUROPE AND AMERICA MUST STAND UNITED

The real bond between the United States and Europe is the values we share: democracy, individual freedom, human rights and the Rule of Law. These values crossed the Atlantic with those who sailed from Europe to help create the USA. Today they are under greater threat than ever.

The attacks of 11 September showed just how far terrorists—the enemies of our common values—are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defence of these principles, the governments and people of the United States and Europe have amply demonstrated the strength of their convictions. Today more than ever, the transatlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the United States which has stood the test of time. Thanks in large part to American bravery, generosity and far-sightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and Communism. Thanks, too, to the continued cooperation between Europe and the United States we have managed to guarantee peace and freedom on our continent. The transatlantic re-

lationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious.

The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognised by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the UN route and our support for the Security Council, at the Prague Nato Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime is disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The United Nations Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those Resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

We are confident that the Security Council will face up to its responsibilities.

Mr. KYL. That is the subject I would like to devote the rest of my time to discussing. It is the issue the President addressed in the State of the Union speech, an issue we dealt with 3 months ago in the Senate when we approved a resolution authorizing the President to use force, if need be, to bring Iraq into compliance with both agreements it had signed at the end of the Persian Gulf war 12 years ago and also various United Nations resolutions.

I rise to speak today because there are obviously a lot of legitimate concerns being expressed by various Members of the Congress, including a long-time Member of the Senate, Senator KENNEDY, who recently introduced a resolution calling for the Senate to revisit this issue. I did not have the op-

portunity to tell Senator KENNEDY I would be speaking about his resolution, but I did want to note this has been dealt with by the Congress. We have given the President the authority.

One could argue with respect to any change in circumstances that conditions have only gotten worse, not better, since the President was granted that authority by the Congress and therefore we do not need to vote on that resolution again or a new resolution giving the President the authority to act. I make that point because of the submission of his resolution yesterday and because of the remarks he made. I will be referring to those remarks.

The point of the President's comments in his State of the Union speech was not to lay out the case for proceeding against Saddam Hussein but, rather, to begin to create the predicate for action we will have to take. People have asked why President Bush has not been more vocal about the case to be made. I don't know because I have not talked to him, but I suspect that the last thing President Bush wanted to do was to be seen as beating the war drums. This is a grave decision he will have to make. It is a decision I know he does not make lightly. He makes it very reluctantly. But in the end, he will have to make a decision. I believe, from the tone and tenor of his remarks on Tuesday evening and the fact that he has not been speaking out a lot about this in the last several weeks, that is an illustration of the fact that he did not want to be seen as promoting the United States involvement in military action in Iraq but rather exactly the opposite: Asking Secretary Powell to visit with our allies at the United Nations and other nations, as well, and Secretary Rumsfeld and Dr. Rice to go out and speak to others to assert their views on the subject and express our views on the subject, to try to find some way to avoid having to use military action to enforce these U.N. resolutions.

The President has made the point that time is running out, that Saddam Hussein has steadfastly, continuously, repeatedly refused to comply with those resolutions and that at some point the international community as a whole, the United Nations as a body, and the United States specifically, have to decide whether these international agreements are going to be enforced. If they are not, then one could easily say they are not worth the paper on which they are written. The United States would have less moral suasion in the world if it refused to act when it had a clear responsibility to do so, and the United Nations and its Security Council would be deemed increasingly irrelevant by virtue of the fact that it has passed no fewer than 16 resolutions expressing the fact that Saddam Hussein has remained in violation of his promise to dismantle his weapons of mass destruction and has not done so.