

6.2 PROXIES.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 POLLING.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 ASSIGNMENTS.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 ATTENDANCE.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 EX OFFICIO MEMBERS.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 SCHEDULING.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 DISCHARGE.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 APPLICATION OF COMMITTEE RULES TO SUBCOMMITTEES.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 INVESTIGATIONS.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 SUBPOENAS.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the

Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 NOTICE FOR TAKING DEPOSITIONS.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 PROCEDURE FOR TAKING DEPOSITIONS.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the CONGRESSIONAL RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the CONGRESSIONAL RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Thad Cochran, MS, Chairman, Richard G. Lugar, IN, Mitch McConnell, KY, Pat Roberts, KS, Peter Fitzgerald, IL, Saxby Chambliss, GA, Norm Coleman, MN, Mike Crapo, ID, James M. Talent, MO, Elizabeth Dole, NC, Charles E. Grassley, IA, Tom Harkin, IA, Ranking Democratic Member, Patrick J. Leahy, VT, Kent Conrad, ND, Thomas A. Daschle, SD, Max Baucus, MT, Blanche L. Lincoln, AR, Zell Miller, GA, Debbie Stabenow, MI, E. Benjamin Nelson, NE, Mark Dayton, MN.

JURISDICTION OF THE SUBCOMMITTEES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY (108TH)

PRODUCTION AND PRICE COMPETITIVENESS

Jurisdiction over legislation on agricultural commodities, including cotton, dairy products, feed grains, wheat, tobacco, peanuts, sugar, wool, rice, oilseeds, and soybeans; price and income support programs.

Elizabeth Dole, Chair, Mitch McConnell, Pat Roberts, Saxby Chambliss, Norm Coleman, Charles E. Grassley, Kent Conrad, Ranking Democrat, Thomas A. Daschle, Zell Miller, Max Baucus, Blanche L. Lincoln.

MARKETING, INSPECTION, AND PRODUCT PROMOTION

Jurisdiction over legislation on foreign agricultural trade; foreign market develop-

ment; agriculture product promotion and domestic marketing programs; oversight of international commodity agreements and export controls on agricultural commodities; foreign assistance programs and Food for Peace; marketing orders; inspection and certification of meat, flowers, fruit, vegetables, and livestock.

James M. Talent, Chair, Pat Roberts, Peter Fitzgerald, Saxby Chambliss, Charles E. Grassley, Max Baucus, Ranking Democrat, E. Benjamin Nelson, Kent Conrad, Debbie Stabenow.

FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Jurisdiction over rural development legislation and rural electrification legislation; oversight of rural electrification, agricultural credit, the Farm Credit System, the Farm Credit Administration, and the Farmers Home Administration and its successor agencies; and crop insurance; forestry in general and forest reserves that were acquired from state, local, or private sources, soil conservation, stream channelization, watershed and flood control programs involving structures of less than 4,000 acre-feet storage capacity.

Mike Crapo, Chair, Richard G. Lugar, Norm Coleman, James M. Talent, Mitch McConnell, Pat Roberts, Blanche L. Lincoln, Ranking Democrat, Mark Dayton, Patrick J. Leahy, Thomas A. Daschle, E. Benjamin Nelson.

RESEARCH, NUTRITION, AND GENERAL LEGISLATION

Jurisdiction over legislation on agricultural education and research; animal welfare; legislation on or relating to food, nutrition and hunger; commodity donations; food stamps; national school lunch program; school breakfast program; summer food service program; special milk program for children; special supplemental nutrition program for women, infants and children; nutritional programs for the elderly; Commodity Futures Trading Commission and Federal Insecticide Fungicide and Rodenticide Act; and general legislation.

Peter Fitzgerald, Chair, Richard G. Lugar, Mitch McConnell, Mike Crapo, Elizabeth Dole, Patrick J. Leahy, Ranking Democrat, Debbie Stabenow, Zell Miller, Mark Dayton.

LOCAL LAW ENFORCEMENT ACT

Mr. SMITH. Mr. President, I rise today to speak about my friend Chad Debnam and the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would expand current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

Each day since the introduction of the Local Law Enforcement Enhancement Act, I have detailed for the RECORD a hate crime that has affected our fellow citizens. Today, I would like to describe a terrible crime that occurred very recently, on January 19, 2003, in my home State of Oregon. Four young men went on a shooting spree through Northeast Portland because, according to police, they thought the neighborhood was predominantly African American. The four fired shots into cars and homes as they drove down the street. Although no one was physically injured, the incident opened painful wounds in a community that, like so

many others, has seen hate crimes before.

For Chad Debnam, the shooting was particularly difficult. 23 years earlier, his brother, Clarence Debnam, an African American college student, was shot through the back by a white sailor. The shooting "affected us so deeply, our family was never the same," Chad, now 52, said. "And then it comes to visit me again."

As Chad and his neighbors understand all too well, hate crimes cause harm above and beyond the effects produced by random acts of violence, because when such a wrong is perpetrated, the intended victim is not just a single person, but an entire community. And it creates within that community a sense of alienation, and the very real fear that other members may be future targets of similar violence.

This weekend, Chad Debnam and others will be marching down the streets of Northeast Portland in a united front against hate. The Federal Government should be there with them. Passing the Local Law Enforcement Enhancement Act will demonstrate to our fellow citizens that, in the words of Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere." The victims of hate, in Portland and elsewhere, need to know that their Federal Government stands with them, and will help them create a nationwide community of hope and healing, where intolerance has no place. I believe that by passing the Local Law Enforcement Enhancement Act we will not only change the law, but hearts and minds as well.

FMLA

Mr. SARBANES. Mr. President, I rise today to join with Marylanders and all Americans in celebrating the anniversary of the Family and Medical Leave Act of 1993, FMLA. The FMLA was passed 10 years ago today on February 5, 1993. It addressed one of the most pressing issues of the time: how to help parents and other family members balance the demands of work and family. Balancing these demands has always been difficult, but the last few decades have seen an increase in working mothers, single parents and working families who are caring for elderly relatives. Trying to cope with the dual burdens of work and family left many families and individuals unable to meet all the demands placed on them.

The FMLA was designed to help ease the burden on many of these families. The FMLA requires private employers with at least 50 employees, and public employers, to give unpaid leave to employees who meet the eligibility requirements for such leave. To be eligible, the FMLA requires that employees have worked for the employer for at least 12 months, and have worked a minimum of 1,250 hours. The employee, if eligible, is entitled to up to 12 weeks of unpaid, job-protected leave per 12-

month period. FMLA leave can be taken to care for the "serious health condition" of the employee, a child of the employee or a parent of the employee, or for an employee to care for a newborn, newly adopted child or newly placed foster child. Employees are not required to take the leave in one block, and are entitled to receive health benefits during their FMLA leave.

In 2001 the Department of Labor commissioned a report to study the impact of the FMLA. The report found that almost 62 percent of public and private employees are covered by the FMLA. The benefits of the FMLA have thus been applied to the majority of American workers, a significant accomplishment. In addition, the FMLA seems to be working. A significant majority of employers report that the FMLA has no effect on their company's performance: 76.5 percent of employers say that the FMLA has no effect on productivity, 87.6 percent say that the FMLA has no effect on profitability, and 87.7 percent report that the FMLA has no effect on their company's growth. A majority of employers also report that the FMLA has little to no effect on the individual employee's performance. And most of the 23.8 million employees who used FMLA leave in 1999-2000 reported that their experience was positive.

Beyond these raw numbers, the FMLA has had a profound effect on the lives of many American workers. Working mothers and fathers are able to take time to care for their sick children, sons and daughters are able to care for aging parents, and new mothers and fathers are able to spend precious time bonding with their newborns or newly adopted babies during the first weeks of life. The FMLA does not force workers to choose between family and work. No amount of statistics can quantify the value of the days and hours family members get to spend helping one another during these crucial times.

But we should look at ways to make this very successful program available to more American workers and bring the benefits of this important legislation to more who need it. To this end, I am a cosponsor of a bill that would provide wage replacement for eligible individuals who have taken FMLA leave for the birth or adoption of a son or daughter or other family care giving needs. The bill would also amend the FMLA to extend coverage to employees at worksites of at least 25 employees, a decrease from the current 50-employee requirement. And the bill would entitle employees who must address the effects of domestic violence to take FMLA leave. I urge my colleagues to work with me to ensure the passage and enactment of this important legislation.

On the 10th anniversary of the FMLA legislation, let us remember the success of this program, and let us also focus on ways in which we can make improvements to the program so that it can benefit all American workers.

U.N. WEAPONS INSPECTORS

Mr. FEINGOLD. Mr. President, I commend Senator BYRD for introducing a very sensible resolution, S. Res. 28, expressing the sense of the Senate that the United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 of 2002 and that the United States should seek a United Nations Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq. I am pleased to join several colleagues in cosponsoring it.

I want to be clear about one point on which I may disagree with Senator BYRD. S. Res. 28 states that U.N. weapons inspectors have failed to obtain evidence that would prove that Iraq is in breach of the terms of the United Nations Security Council Resolution 1441. While there is little public information suggesting that weapons inspectors have turned up much in the way of evidence of any kind, they have made some important disclosures in their recent report, and it is clear that Iraq has failed to meet Resolution 1441's requirement that Iraq make a complete declaration of all aspects of its chemical, biological, and nuclear weapons programs, as well as information about its ballistic missiles and other delivery systems. The report that was submitted by the Government of Iraq omitted a great deal of information, and the "unknowns" left for the international community to consider are very serious matters. Iraq is not in compliance with Resolution 1441.

But this issue does not dissuade me from supporting Senator Byrd's admirable resolution. Fundamentally, this resolution recognizes that the threshold for starting a war through unilateral military action should be very high. It should require the presence of an imminent threat, or a solid connection to al-Qaida, in which case unambiguous U.S. action is already, and rightly, authorized. Based on the information available to me, I have determined that we have not reached that point.

I wholeheartedly agree with the resolution's assertion that the U.S. and others should work to exhaust all peaceful and diplomatic means of disarming Iraq. I also agree that the U.S. should seek authorization from the Security Council before pursuing the last resort of military action in Iraq. Should we reach a point at which the use of force appears to be the only option, we should try to increase the legitimacy of any action and decrease the potential costs pursuing this multilateral approach.

While calling for exhaustive diplomatic efforts, ongoing inspections work, and a multilateral approach, S. Res. 28 also asserts that the United States should continue to actively seek to bring peace to the Israeli and Palestinian peoples, and notes that the