

against terrorism. We have done it today. We have huge challenges over the coming weeks to continue to do so.

Under President Bush's leadership, we have done a tremendous amount in making America safer from our enemies. We have reorganized Government and created a new Cabinet-level agency that consolidates, coordinates, and maximizes communication in our antiterror efforts. We passed the landmark bipartisan legislation in June 2002 to provide additional funding for our local law enforcement authorities to protect the Nation from public health threats, such as bioterrorism. We included \$3.5 billion in the bill we passed—18 hours ago—that will go directly to the first responders. In the event something were to happen, those first responders become the most important people. That is who you will call. They are the people who provide treatment.

The Department of Health and Human Services 2 years ago did not have smallpox vaccine. Right now, because of the hard work and the dedication and leadership of President Bush, we know the Department of Health and Human Services has obtained and procured enough smallpox vaccine for every man, every woman, and every child in the United States.

That is but a part of what Government has done, and will continue to do, as we go forward. But we must also commit to defending ourselves from the terrorists' most dangerous weapon of all, the guts of what my remarks have been, and that is fear. It was one of our greatest Presidents ever, President Franklin Roosevelt, who in an earlier and darker moment in our history, calmed the Nation with the gentle reminder that we have nothing to fear but fear itself. In these days of stress and distress we must never forget the great words of those who have preceded us, and the test that they, over many generations, endured.

At such a moment, I often turn to a favorite piece of Scripture or a passage from an inspirational work. As we in the Congress recess to our homes and families for the coming week, let me offer a closing thought, a passage from Thomas Paine's classic treatise "The Crisis."

Lay your shoulders to the wheel, better have too much force than too little when so great an object is at stake. Let it be told to the future world that in the depth of winter when nothing but hope and virtue could survive, that the city and the country, alarmed at one common danger, came forth to meet and repulse it.

COMMEMORATING THE 100TH BIRTHDAY OF THE DEPARTMENT OF COMMERCE

Mr. STEVENS. Mr. President, on February 14, 1903, President Theodore Roosevelt signed the bill that established the Department of Commerce. In doing so he authorized the creation of what had been, to date, one of the larg-

est and most complicated departments in the Federal Government. The original Department of Commerce was responsible for an overwhelming set of tasks, including the administration of the census, and the development of foreign and domestic commerce.

Over the past decade the Commerce Department's role has evolved, but it has always kept the vitality of American industry as its core value. My State has a lot at stake in the daily operations of this department; among its original duties was the supervision of the Alaskan fur-seal harvest and our State's salmon fisheries.

When the House debated the Commerce Department's founding in 1903, Congressman Robert Mann of Indiana noted that the Department was possibly the best hope we had of saving the Alaska salmon fisheries from extinction. Alaska assumed control of its salmon fisheries after Statehood, but the Commerce Department is still involved with our fisheries. One hundred years later the people of Alaska work closely with the North Pacific Fishery Management Council and the National Marine Fisheries Service to manage the most productive groundfish fisheries in the world in the Bering Sea and the Gulf of Alaska.

The past century has confirmed what the groups and individuals who originally lobbied for the Department of Commerce knew 100 years ago; ours is a distinctly commercial and industrial nation. The ingenuity of our workers, the dedication of our citizens and the perseverance demonstrated by our entrepreneurs are what make our Nation's economy unique and enduring. However, ingenuity, dedication and perseverance remain untapped resources without leadership and guidance to help them fulfill their potential. For 100 years the Department of Commerce has provided that leadership.

In 1981, Secretary of Commerce Malcolm Baldrige wrote that the Commerce Department's mission was to "serve the nation, its business community, and its individual citizens." That mission lives today in the daily work of the Department and in the leadership of Secretary Don Evans. I have served with seventeen Secretaries of Commerce since I first came to the Senate, and consider many from both parties, including Malcolm Baldrige, Bill Daley, Norm Mineta, and of course Don Evans, to be my good friends.

Today, on behalf of all Alaskans, I congratulate the Department on a century of great achievement.

FISCAL YEAR 2003 OMNIBUS APPROPRIATIONS

Mr. BIDEN. Mr. President, my decision to vote for the omnibus spending bill late last night was a difficult one. It is the largest single spending bill ever passed by Congress. It represents work that should have been completed last fall, and crams into one bill what

should have been 11 separate bills, each with its own separate debate and deliberation. This is no way to legislate, and the final product reflects that unfortunate process.

I was gratified that many important obligations received funding, but unfortunately many others did not. At the same time, this massive document contains far too many provisions that were never exposed to the daylight of publicity and debate. My vote in favor of this bill was a very close call.

First, the good news. Unlike an earlier version that I could not support, this bill restored funds for Byrne grants that local law enforcement agencies need in these dangerous times. In addition, I was able to add language that permits local police to use COPS money for the many hours of overtime involved as they meet the demands of homeland defense. Law enforcement projects in my State of Delaware, from State to county to local agencies, will receive \$3.5 million in funds from that COPS program.

But the bad news is that \$3 billion for first responders was cut out of this legislation. Those are funds to support firefighters and police and local emergency response centers. Another \$170 million was cut from the Transportation Security Administration, despite the obvious need for additional protection for our Nation's air, highway, and rail systems. Funds for port security and border security were also cut. The debate over these programs will continue soon, as we begin budget debates for the coming year and a security supplemental spending bill, and I will continue the fight to provide the citizens of this country all of the protection they need.

And we must expose those last-minute, back-room deals that litter the thousands of pages of this legislation. Some are clear wastes of taxpayer money in these critical times. Others weaken important environmental protections, and have no place in these spending bills.

On balance, I concluded that this legislation which allows the Federal Government to continue its important functions narrowly deserves my support. But there is much here that needs to be fixed, so the debate that should have occurred on this huge, complicated bill will continue.

BLACK HISTORY MONTH

Mr. SMITH. Mr. President, I rise today to speak about the significance of Black History Month. This week, I would like to discuss briefly an issue of great importance in African American history, and one that remains of vital importance still today—the problem of hate in our society and hate crimes.

As most of my colleagues know, Senator KENNEDY and I have introduced hate crimes legislation during the past two Congresses. I think it is important for my colleagues to know just some of the background behind hate crimes

law, and have a full understanding of why expanding current hate crimes law is important today.

We can find instances of hate crime throughout our Nation's history, but they drew increased national attention during the last century. Widespread lynchings in the South, the murders of Emmet Till in 1955, Medgar Evers in 1963, church bombings, and attacks on black protesters all contributed to fear in black communities around the country, and horror among Americans who understood those crimes to be nothing short of domestic acts of terrorism.

Early hate crimes laws stem from such events—laws developed from efforts to prevent Ku Klux Klan violence against Black Americans during the Reconstruction era and then, at the Federal level, in the 60s, during the Civil Rights era. What we have today is a patchwork of state and local laws that have arisen over the years in response to bias crimes, and federal hate crimes law has not kept pace. Because federal law was initially designed to protect only certain special activities, we now have a situation in which the Federal Government's involvement is virtually limited to hate crimes committed in voting booths and national parks. The law is inadequate, and many Americans understand that.

Just a few days ago, I made a statement on the floor of the Senate regarding a hate crime committed against Chad Debnam and others in Northeast Portland, in my home State of Oregon. On January 19, 2003, four young men went on a shooting spree through Northeast Portland because, according to police, they thought the neighborhood was predominantly African American. Shots were fired into cars and homes in that neighborhood, not 50 years ago, but just last month. But, unfortunately, just like 50 years ago, the Federal Government could not help investigate that crime, even if local law enforcement officials asked for it. We saw a similar problem when James Byrd was dragged behind a pick-up truck in Texas just a few years ago.

Each day we are in session I come to the Senate floor to detail a hate crime that occurred somewhere in the country within the past few years. Local law enforcement officers would not have been able to seek Federal help in nearly all of those cases. Crimes against African Americans, Hispanic Americans, Muslim Americans, gay Americans, and others still occur with disturbing frequency today, but our Federal hate crimes law is stuck in the last century. The hate crimes legislation proposed by Senator KENNEDY and myself would finally make it much easier for the Federal Government to respond to hate crimes.

During Black History Month, I think it is important for us to remember that while we have made tremendous progress in many areas of civil rights law, we have a great deal more work to do. There is no more important civil right than the right to be free from vi-

olence, and we should remember the importance of expanded hate crimes law as we continue to celebrate Black History Month.

RECENT RULING OF THE BELGIAN SUPREME COURT

Mr. KYL. Mr. President, I was extremely disappointed to learn of yesterday's ruling by the Supreme Court of Belgium that Prime Minister Sharon of Israel could be tried in the Belgian courts for alleged war crimes once he leaves government service. The ruling also immediately makes retired IDF General Yaron and other eligible to be brought to trial at the convenience of the Belgian lower court.

This action appears to supercede the authority of other national court systems, the International Court of Justice in The Hague, as well as the International Criminal Court which, for better or worse, was established last year with authority to try war crimes. The ruling sets an unwelcome precedent: empowering non-Belgian nationals to bring claims against other non-Belgian nationals in a Belgian court for alleged crimes having no connection to Belgium. The Belgian Supreme Court has now ruled that its lower courts have the right to sit in judgment of people who come from another nation and have allegedly committed a crime in a foreign land against another set of people from yet another foreign land. This is bad law and bad policy.

With this ruling, Belgium has set itself and its legal system above all other nations. Belgium's status should be no different from that of any other sovereign state, entitling it to enact laws and judge its own citizens or anyone who commits crimes against them. But the Belgian legislature and its court has raised its country's justice system above those of every other nation, and is trying to impose its rule on the citizens of countries with no connection to Belgium. Even the Belgian prosecution noted its opposition to pursuing the complainants' petition.

I hope that the Secretaries of State and Defense take note of this action by one of our NATO allies, especially as we prepare to potentially send our young men and women into battle in a land far away. There is no reason why they too, and their commanders, could not be similarly charged and prosecuted. What the Belgian court did was wrong. Our government should call upon them to consult with our Ambassadors to Belgium and NATO and express to the Belgian government an appropriate level of concern.

THE CORPORATE PATRIOT ENFORCEMENT ACT OF 2003

Mr. LEVIN. Mr. President, I have joined with Senators REID, DURBIN, and KENNEDY in introducing the Corporate Patriot Enforcement Act of 2003.

Over the past several years we have been hearing more and more about U.S.

corporations using offshore tax havens to avoid paying their fair share of U.S. taxes. One of the most egregious abuses is when a U.S. corporation reincorporates on paper in a tax haven and establishes a headquarters there when, in reality, its primary offices and production or service facilities remain right here in the United States. By opening shell headquarters in a tax haven like Bermuda, companies that got their start in this country, do most of their work here, and benefit from U.S. roads, banks, patents, computers, law enforcement, fair trade laws, its educated workforce, and much more, avoid contributing their fair share to pay for those benefits. Instead, these companies force the rest of America's taxpayers to shoulder the tax burden they have shed.

This corporate conduct mistreats the average American. It undercuts the U.S. corporations that do pay their taxes. It is unfair, it is founded on a deception, and it is time for Congress to put an end to it. It is time for Congress to say to these companies, if you want benefits, you need to stop avoiding your fiscal responsibility with the sham of appearing to move.

The list of companies that have undertaken the tax haven headquarters pretense now called "corporate inversions" is growing. The list currently includes such U.S. born companies as Fruit of the Loom, Ingersoll-Rand, and Tyco, although Tyco shareholders are trying to shame that company's management into giving up its Bermuda shenanigans.

It is likely that this list of corporate inversions will continue to grow unless Congress acts to close the tax loopholes that currently permit U.S. companies to benefit from their gamesmanship and avoid federal taxes at the expense of average taxpayers and good corporate citizens. That is why we are introducing the Corporate Patriot Enforcement Act of 2003, the same bill Representative NEAL introduced in the House last Congress which garnered over 150 co-sponsors.

This bill would deny tax benefits to U.S. companies that invert by continuing to treat them as U.S. companies for tax purposes. This bill would not only level the playing field between these companies and their U.S. competitors, it would also save other U.S. taxpayers from having to pick up an estimated \$4 billion in tax revenues over the next 10 years.

U.S. corporations that reincorporate in tax havens typically reduce their U.S. tax liability in at least two ways. First, by setting up headquarters in a tax haven, the company can eliminate its liability for U.S. taxes on passive and other forms of income earned in foreign jurisdictions. For instance, the company no longer would have to pay U.S. tax on the interest, dividends and royalty payments received by its foreign affiliates which would otherwise have been taxed under Subpart F of the U.S. tax code. By creating a new, so-