

am willing to work with the Senator from New York on port security. It may be possible to earmark money to see to it that this pilot project is pursued.

If the Senator wishes to respond, OK. Otherwise, I am prepared to yield back the remainder of my time tonight. We have 2 ½ minutes on each side tomorrow. I hope we can reach a conclusion that we can adopt the Senator's proposal.

I yield back the remainder of our time.

Mr. SCHUMER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

HONORING DR. MARTIN LUTHER KING

Ms. MIKULSKI. Mr. President, I want to say a few words to commemorate the life and legacy of Dr. Martin Luther King. Yesterday was Dr. King's birthday, and on Monday we celebrate the National Holiday of Dr. King.

He had a dream: Equal opportunity for all Americans. That dream is unfulfilled today. In the 1960s, Dr. King spoke out against segregation and dehumanization. He stood up for workers' rights and voting rights. He won a Nobel Prize.

I often think what Dr. King would call for today. He would say there is still injustice in America; there is still more work to be done. As we look at what we need to do, we need to know that we need an independent judiciary. In order to protect our civil rights, we need to make sure we have judges who respect the 14th amendment and the civil rights laws. When someone walks in the courthouse door, they must be able to count on everyone being treated fairly. They must be able to trust that the law on the books will be enforced and that their constitutional rights will be respected. Let's make sure we have an independent judiciary. America needs judges on the bench who will enforce the laws on the books, the Civil Rights Act, the Voting Rights Act. Courtrooms across the country need to protect against redlining and discrimination. The courts must not undo, rewrite, or reinvent the spirit of our laws protecting America's civil rights.

Dr. King fought not only for equality under law but for economic justice. When he came for his famous Walk on Washington, it was about jobs and freedom. In 1968, Dr. King marched with 1,300 sanitation workers in Memphis. Let me tell you what he said that day on that march. He said he was fighting for decent wages, fair working conditions, livable housing. He said that old-age Social Security, health and welfare measures should be at the top of our national agenda and that education for the children and respect for the community should be No. 1.

I say to my colleagues, if we choose to honor Dr. King, let's fight for economic justice. I am so pleased we passed the unemployment insurance. Now we need to raise the minimum wage. The minimum wage is \$10,700 a year. That means a full-time job still leaves you in full-time poverty. Let's keep the dream alive and raise the minimum wage.

The first civil rights battles were over education. At that time, education was separate and unequal. Today, we are still fighting to make sure our children go to good schools with properly trained teachers and up-to-date books and technology. We need to make sure we back our educational system. This can mean technology training at a community college, Ph.D.s or MBAs, but at the same time, while we look at higher education, make sure we focus on that elementary and secondary level. Let's leave no child behind but make sure no child is left out of the budget.

Dr. King's legacy for America must be a living legacy. We in the Senate must continue to fight for the values Dr. King stood for and make sure the American dream is a reality for others.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred March 25, 2002 in Dubuque, IA. Elizabeth Tran was assaulted by Carla Kaufman, 17, while she was walking home from school. Without warning, Kaufman attacked the victim, beating her and using racial slurs associated with the victim's Chinese heritage. The victim was treated in a local hospital following the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WTO DECISION ON THE CDO ACT

Mr. HOLLINGS. Mr. President, earlier today, a WTO appeals panel "ruled" that the United States violated our WTO obligations with the enactment of the Continued Dumping and Subsidy Offset, CDO, Act, commonly known as the Byrd amendment. This continues a longstanding effort by the WTO to systematically undermine U.S. laws that assist our besieged manufacturing sector. The CDO ensures that

the U.S. companies and their workers can compete against unfair imports from foreign companies who dump their products in the U.S. If a foreign company continues to dump its products in the U.S. after having been found guilty of that practice, the CDO allows that future penalty tariffs payments be made to the companies who are being injured. We would all prefer that companies halt their illegal dumping, but if a foreign competitor chooses to continue the predatory practices, then the tariffs assist the U.S. workers and industry to remain competitive.

The CDO provides that antidumping tariffs benefit the companies injured from foreign dumping. Previously, this money went to the U.S. Treasury. Now the money assists the impacted companies to help them remain competitive. invest in new technologies and keep jobs in the U.S. In 2001, less than \$230 million was paid out to 900 companies. In September 2002, a WTO panel ruled that CDO placed the U.S. in violation of its obligations. Today, a WTO appellate upheld that decision. It is becoming obvious that the WTO is intruding on U.S. sovereignty and has acted beyond the scope of its mandate in this case. Even the Bush administration has recognized this trend nothing that the WTO ". . . has created obligations that do not exist."

The WTO dispute resolution system is in need of serious overhaul. The WTO and its appellate body are creating new rights and obligations where none exist in the actual WTO agreement. U.S. trade laws designed to insure a level playing field for U.S. industries and their workers are being seriously eroded by the WTO. This must end.

The CDO is good public policy. In a time of uncertainty, it benefits U.S. manufacturers and workers. It must be retained.

THE PERFORMING ARTS IN AMERICA

Mr. KENNEDY. Mr. President, I would like to bring a recent article in the Washington Post to the attention of our colleagues. Michael Kaiser, who is the President of the Kennedy Center, has written a thoughtful and articulate article on the serious challenges facing the performing arts in America.

Mr. Kaiser is an impressive leader for the Kennedy Center. In the 2 years he has been its President, the Center has staged a broad range of programs in dance, music and drama and has significantly expanded its efforts to reach out through the arts to improve the lives of all Americans.

I commend all that Mr. Kaiser is doing so effectively, and I ask unanimous consent that his recent article be printed in the RECORD.

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

[From the Washington Post, Dec. 9, 2002]

HOW TO SAVE THE PERFORMING ARTS

(By Michael M. Kaiser)

The world of the performing arts is sick and needs attention. Several underlying problems currently affecting the ecology of the arts were in evidence long before the stock market collapse and Sept. 11, 2001. They need to be addressed, not simply accepted as an unsolvable result of the environment in which we live.

The arts world needs leadership. It needs concerted action. And it needs them fast. There are five key issues that must be addressed if we are to solve the problems arts organizations face today.

1. Such organizations must once again be willing to develop and implement large-scale, important projects that are risky and emerging. The arts world used to produce numerous big, daring projects each year; the construction of major arts, facilities from Lincoln Center to the Kennedy Center, the production of large-scale dramatic works, such as "Nicholas Nickleby," the mounting of new Ring Cycles, even by small opera companies. It wasn't so long ago that Alvin Ailey or George Balanchine would create four or five or even six new works in a season. Now a choreographer is lucky to be able to produce one major work a year.

We have been scared into thinking small. And small thinking begets smaller revenue that begets even smaller institutions and reduced public excitement and involvement. No wonder so many arts organizations are announcing record deficits.

The Sondheim Celebration we mounted this summer at the Kennedy Center is one example of the kind of project I am hoping to see duplicated by others. We took a large but measured risk, and it paid off handsomely. The level of press coverage was phenomenal. The way the Kennedy Center is perceived has changed dramatically. We will never be the same institution again. We must all be thinking large and creatively at this time. That is what the arts are about.

2. If arts organizations, large and small, are going to take risks on meaningful projects and maximize their impact, they need entrepreneurial management better suited to the current climate in which they operate. Hundreds of millions of dollars are spent throughout the world each year training young performers, but only a small fraction of that amount is devoted to training the people who will employ and market these performers. While several universities mount arts management programs, they are not sufficient to fill all our needs. There is no shortage of great artists in this world, but there is a shortage of trained, skilled managers.

We are operating in a highly challenging environment, and only the most sophisticated managers will be able to acquire the support needed to help their organizations thrive. I hope serious arts funders will begin to pay far more attention to this need; otherwise, we will see a serious decline in arts institutions throughout the world.

3. As we train arts managers, we must actively focus on the needs of all kinds of arts organizations.

The arts world is moving close to becoming a virtual cartel of a few large mainstream organizations that survive and thrive. This would be catastrophic. A healthy arts ecology demands that we have large and small organizations, mainstream and edgy, and of all ethnic backgrounds. The theater world, for example, has lost many of its minority organizations in the past few years. Those that remain are terribly small compared with their white counterparts.

We who run large arts organizations have become so scared about keeping our organi-

zations solvent that we have forgotten we will have a healthy arts environment only if we support the smaller and diverse organizations that create great works, great artists and new audiences. The tradition that created the Alvin Ailey American Dance Theater, Ballet Hispanico and the now-defunct Crossroads Theater is close to evaporating.

4. The need for diversity in performers and performing institutions is equally strong with respect to audiences. Alvin Ailey said that "dance is for everyone." I know he meant that "art is for everyone." We are heading toward a world where only white, upper-middle-class people come to the theater, because only white, upper-middle-class children are being exposed to the theater. Public school arts education is virtually dead, not just in the United States but in most countries.

The Kennedy Center, like most arts organizations, has jumped into the breach. We spend \$15 million each year on arts education, working actively with 5 million children around the United States. But our efforts are not coordinated with those of other arts organizations, and the arts exposure enjoyed by virtually every child is episodic. For some children in some schools, the exposure is tremendous; other children may get no arts programming for years. We owe every child in this nation a chance to experience the joy of self-expression, the power of discipline and the self-fulfillment of achievement that come from the performing arts.

5. Finally, we must address the need to record the performances of merit that are mounted each day of the year.

The collapse of the recording industry, the lack of resources available to public broadcasting to record performances and the prohibitive costs of producing recordings and videos mean that it is easier to obtain a recording of Enrico Caruso than of most great opera singers today. We need the support of PBS, the unions and all artists to ensure that an entire generation of performances is not lost.

This is critical if we are to create the history of performance and creativity that inspires future generations and that allows for performances enjoyed by a few to be available to many. The Kennedy Center broadcasts on the Internet the daily free concerts we give on our Millennium Stage. But so many more performances in our halls and in theaters around the world go unrecorded.

If we can take all these necessary steps, we will create an arts ecology that can withstand the horrors of terrorism, economic decline and social unrest. If we don't, even a healthy economic and social climate will not save us.

ADDITIONAL STATEMENTS

TRIBUTE TO ELMO JOHNSON

• Mr. KOHL. Mr. President, it is my honor to rise today in recognition of an outstanding World War II veteran from Wisconsin, Mr. Elmo Johnson. Originally from Black River Falls, Mr. Johnson joined the Army in 1945 and was stationed near Guam at Saipan. A trumpet player since the age of 11, he played for the troops as part of the 285th AGF Band Unit. Mr. Johnson also organized a band called Swingmasters which performed at local Saipan clubs.

Later in his career, while stationed at Iwogima, Japan, he started to play Taps for his unit. Ever since returning from World War II, Mr. Johnson has

volunteered to play Taps at funerals for other Wisconsin veterans. He has been a member of the Black River Falls Miles-Hagen American Legion Post for over 50 years, and was named commander in 1946. Mr. Johnson has played Taps over 950 times, and I praise his goal of 1,000 farewells. His band, renamed "Elmo Johnson and the Johnny Brass Band," performs extensively throughout Western Wisconsin.

I would like to acknowledge the contributions Mr. Elmo Johnson and other brave veterans have made to the State of Wisconsin. We honor Mr. Johnson as he continues to demonstrate his generous spirit by sharing his musical gift around the State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-392. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS reduces the trip limit in the commercial hook-and-line fishery for king mackerel in the northern Florida west coast subzone to 500 lb (227 kg) of king mackerel per day in or from the exclusive economic zone (EEZ). This trip limit reduction is necessary to protect the Gulf king mackerel resource" received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC-393. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS closes the commercial fishery for king mackerel in the exclusive economic zone (EEZ) in the northern Florida west coast subzone. This closure is necessary to protect the Gulf king mackerel resource" received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC-394. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4" received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.