

without overtime protection are twice as likely to work overtime as those covered by that protection. Americans are working longer hours today than ever before—longer than in any other industrial nation. At least 1 in 5 employees now has a work week that exceeds 50 hours, let alone 40 hours.

Congress cannot sit idle while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the open wounds.

The 8 million Americans who will lose their right to overtime under the Bush administration regulation include police officers, firefighters, nurses, and EMTs the heroes of September 11. With the anniversary of that tragic day just 2 days away, we can't help but remember the horrifying images of that day. The many lives lost.

The exhausted firefighters raising the American flag. And we recall the long, grueling hours so many of our first responders invested to protect and save their fellow Americans.

Today our first responders work long hours keeping our Nation safe from terrorism and other threats. President Bush wants to take away their overtime pay.

Cutbacks in overtime pay are a nightmare that no worker should have to bear. Overtime pay now makes up a quarter of the total pay of workers who receive it. The administration's proposal will mean an average pay cut of \$161 a week for them. Hard-working Americans don't deserve this pay cut, and it's wrong for the administration to try to force it on them.

Our Democratic amendment is clear. It says that no worker now eligible for overtime protections can lose it as a result of the new regulation.

The overtime protections in the Fair Labor Standards Act have been a fundamental right of the Nation's workers for more than half a century. That basic law was enacted in the 1930s to create a 40-hour workweek. It requires employees to be paid fairly for any extra hours.

I urge my colleagues to support this essential proposal to keep the faith with the Nation's working families. We will continue the battle to restore jobs, provide fair unemployment benefits, and raise the minimum wage, and we will do all we can to preserve the overtime protections on which so many Americans families depend.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 9:45 a.m. on Wednesday, the Senate proceed to a vote in relation to the following amendments in the order stated: Harkin 1580, Schumer 1595, Reed 1595—I have two 1595s—the three Reed amendments, 1592, 1596, and Corzine 1602. I further ask unanimous consent that there be 2 minutes equally divided for debate prior to the vote in relation to each amendment beginning with the second vote; further, that no amendments be in order to any of the amendments prior to the vote.

Mr. REID. Reserving the right to object, Senator SCHUMER has offered only one amendment, so we will make sure that we are voting on the right amendment. Senator SCHUMER is No. 1598, so the RECORD should reflect that. I ask, further, that the request of my friend from Pennsylvania be modified that the following would be added: That there be 4 minutes for debate equally divided prior to Reed amendment No. 1595. That would be after the Schumer amendment. Rather than 2 minutes, it would be 2 minutes on each side, a total of 4 minutes. Further, I ask that the votes following the Harkin amendment be 10 minutes in length.

Mr. SPECTER. Agreed to.

Mr. REID. Prior to entering the consent, Mr. President, I would note that we hope to have three more votes lined up here. On the Mikulski amendment, there has been a good faith offer made by the other side. We will discuss that with Senator MIKULSKI in the morning. Maybe we won't have to have a vote on that. And then we were hoping to have a vote on the Dodd and Gregg amendments. We will do those side by side. The two leaders agreed that those two votes would follow the Harkin amendment. I am not going to say a lot about that now. I know Senator GREGG says he does not have his ready to go yet. I have spoken to Senator DODD at home this evening. He said he is agreeable to doing it following this sequence of votes. So following the Corzine amendment, I hope we can have the two votes that are going to be cast dealing with Dodd and Gregg which are on the same subject matter, I understand.

Having said that, I have no objection to the consent as modified.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

TERRORIST PENALTIES ENHANCEMENT ACT OF 2003

Mr. SPECTER. Mr. President, I have sought recognition to speak on a bill that I will introduce to increase the criminal penalties relating to terrorist murders and to deny Federal benefits to terrorists, and for other purposes.

I authored the Terrorist Prosecution Act of 1986, which provides for extraterritorial jurisdiction to try in United States courts anyone who assaults, maims, or murders a U.S. citizen anywhere in the world. And that bill, which provides for the death penalty, has been enacted into law and has been very helpful.

I have been trying to extradite Palestinian Authority terrorists who have murdered United States citizens abroad. This bill would go beyond existing law to provide for the death penalty in all terrorist offenses resulting in death. It adds the death penalty as a

punishment in a number of situations that do not currently provide for the death penalty, such as sabotage of a national defense installation, sabotage of a nuclear facility, or destroying an energy facility.

In addition, this legislation includes conspiracy and attempt to commit terrorist acts in the list of terrorism offenses subject to the death penalty. It would enable prosecutors to seek the death penalty for terrorist fundraisers, for example.

Another important aspect of this legislation would be to remove the so-called gateway factors to impose the death penalty for terrorist offenses. It adds terrorism to the list of offenses, espionage and treason, for which the death penalty can be imposed without the gateway factors being met. For other offenses, the death penalty can only be imposed if there is a direct link between the criminal act and the death of a victim and prosecutors do not believe they can establish such a link in the case of a terrorist fundraiser.

There are Supreme Court decisions which preclude the imposition of the death penalty, for example, on the driver of a getaway car in a felony murder or robbery murder. Someone in the getaway car cannot get the death penalty because the Supreme Court has said it is too remote. And when I have pressed the Department of Justice to proceed with criminal prosecutions and to seek the death penalty for terrorists, for people who contribute to organizations such as Hamas, where they know there are terrorist branches and instigation of the murdering of U.S. citizens, as they did some months ago at Hebrew University and in other situations, the prosecutors have said to me they are concerned that the analogy to the driver of a getaway car might prevent the imposition of the death penalty.

Frankly, I disagree with that assessment because the driver of a getaway car may not be considering the consequence of death. And the contributors to terrorist organizations, knowing what those organizations do, are really on notice and are accessories before the fact to murder. I think they ought to be held liable under existing law. But to clear up any ambiguity, this legislation would remove those limitations and would make such contributors to terrorist organizations liable for the death penalty as accessories before the fact.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Penalties Enhancement Act of 2003".

SEC. 2. PENALTIES FOR TERRORIST MURDERS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339D. Terrorist offenses resulting in death

“(a) PENALTY.—A person who, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

“(b) TERRORIST OFFENSE DEFINED.—In this section, the term ‘terrorist offense’ means—

“(1) international or domestic terrorism as defined in section 2331;

“(2) a Federal crime of terrorism as defined in section 2332b(g);

“(3) an offense under this chapter;

“(4) section 175, 175b, 229, or 831 of this title;

“(5) section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

“(6) an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5).”

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339D. Terrorist offenses resulting in death.”

(c) AGGRAVATING FACTORS.—

(1) IN GENERAL.—Section 3591(a)(1) of title 18, United States Code, is amended by striking “or section 2381” and inserting “2339D, or 2381”.

(2) CONFORMING AMENDMENT.—Section 3592(b) of title 18, United States Code, is amended—

(A) in the heading, by striking “AND TREASON” and inserting “, TREASON, AND TERRORISM”; and

(B) in paragraph (1)—

(i) in the heading, by striking “OR TREASON” and inserting “, TREASON, OR TERRORISM”; and

(ii) by striking “or treason” and inserting “, treason, or terrorism”.

SEC. 3. DENIAL OF FEDERAL BENEFITS TO TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“§ 2339E. Denial of Federal benefits to terrorists

“(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) FEDERAL BENEFIT DEFINED.—As used in this section, ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”

(b) CHAPTER ANALYSIS.—The chapter analysis of chapter 113B of title 18, United States Code, is amended by inserting at the end the following:

“2339E. Denial of Federal benefits to terrorists.”

REMEMBERING GENERAL BILL CREECH

Mr. ENSIGN. Mr. President, I rise today to pay tribute to a man of remarkable leadership, dedication, and courage and to join Nevadans and Americans in mourning the loss of retired Air Force General Bill Creech.

As chairman of the Military Readiness Subcommittee, I have learned a great deal about what it has taken and what it will continue to take for our armed services to be the top military in the world, bar none. For the strength, effectiveness, and success of

today's Air Force, this nation owes a debt of gratitude to Bill Creech.

Creech started as a private in the Air Force in 1944, and as he rose 14 rungs to four-star general, he never forgot what it was like to be at the bottom. During almost 40 years of service to this nation, he flew 280 missions as a combat pilot and was decorated 39 times, including 22 awards for bravery in combat.

In 1960, he came to Nellis Air Force Base in Las Vegas where he was director of operations for the “Top Gun” Fighter Weapons School and during which his relationship to southern Nevada first formed.

In 1978, he earned his fourth star and became commander of the Tactical Air Command, or TAC, at Langley Air Force Base in Virginia. During his 6½ years as commander, Creech showed the Air Force how to get the job done, and his leadership continues to be a lesson to us all. Under his direction, TAC's productivity improved by 80 percent and resulted in \$12 billion of savings for the government.

And while Creech cut out the fat and waste, he oversaw the development of a new generation of air fighters including many modern jets as well as our prized Stealth fighter that eludes radar detection. Creech also used his experiences in Vietnam to develop night-flying tactics that led to our victories in the Persian Gulf War and Iraq.

After his retirement from the military, Creech became an internationally recognized management consultant with a best-selling book on total quality management based on his success restructuring the Air Force. For anyone who manages a single office or a multi-billion dollar corporation, Creech's message is invaluable. By rewarding accomplishments, creating pride in ownership, and developing a team atmosphere, the human factor endures and success results.

To southern Nevadans, Bill Creech will always hold a special place in our hearts for his loyalty and dedication to our beloved Thunderbirds, the air demonstration team that calls Nellis Air Force Base home. A Thunderbird pilot who flew 125 demonstration shows, Creech was once referred to as “the father of the Thunderbirds,” and he believed that the Thunderbirds inspired young people to join the Air Force.

The Thunderbirds exist today because Bill Creech stood up for them. After four pilots were killed in flight, he publicly stated that if the team suffered an accident during his tenure he would resign. We are grateful that he took that stand. I have had the honor of watching the Thunderbirds in action on many occasions. They display the power and awesomeness of our Air Force and the dedication of people like Bill Creech who lift this nation to new heights so that we may all continue to soar.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and Americans. This great Nation

that Bill Creech risked his life for and lived his life for will always be grateful for his contributions.

THE SMALL BUSINESS ADMINISTRATION 50TH ANNIVERSARY REAUTHORIZATION ACT OF 2003

Mr. BOND. Mr. President, I rise today in recognition of S. 1375, the Small Business Administration 50th Anniversary Reauthorization Act of 2003. This bill revitalizes existing SBA programs and brings to life new pilot programs, all of which promote the demands and growth of the small business community. I commend the Chair, Senator SNOWE, for passing this bill through the Small Business Committee with unanimous support.

Upon final passage of this bill, we will take a giant step toward improving and refining the SBA and its programs. With the new provisions that enhance Agency recordkeeping and realign program operations under a more appropriate department, it is clear that Agency accountability and oversight will be strengthened. In addition, small businesses will benefit from improvements in the lending programs, greater access to capital, new innovations in the entrepreneurial programs, expansion of procurement programs, and improved training and assistance provisions.

According to the SBA's Office of Advocacy, small businesses represent more than 99.7 percent of all employers, employ more than half of all private sector employees, and generate 60 to 80 percent of net new jobs annually. Given these statistics and the difficult financial times we face in today's economy, I urge Congress to continue to nurture the needs of the small business community. We must show enthusiastic support for this bill, which I am confident will provide the SBA with greater tools to keep pace with the ever-changing global economy and to serve the small business community in a more effective and efficient manner. To act otherwise could jeopardize this Nation's much-needed job growth and innovation.

I refer to an important small business program titled the Historically Underutilized Business Zone Contracting Program, or as it is commonly referred to, the HUBZone Program. This small-business program was one of my personal priorities as former chairman of the Senate Small Business Committee. It was established in 1997 with the intent to create jobs in severely economically distressed communities, both rural and urban. In addition, the HUBZone program provides a federal contracting preference as an incentive for small businesses to locate in these low-income areas. The jobs created by the HUBZone Program bring money to those blighted areas and create a demand for more goods and services, which leads to the creation of more small businesses and increased commerce in the area. Little