

## VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and 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 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's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

## VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its

quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

## VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

## IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

60TH ANNIVERSARY OF THE  
LIBERATION OF AUSCHWITZ

Mr. SANTORUM. Mr. President, last week marked the 60th anniversary of the liberation of the Auschwitz Concentration Camp in southern Poland. On January 27, 1945, Soviet troops freed the prisoners at Auschwitz, the largest Nazi death camp. During that same period, our American troops were freeing prisoners at other death camps.

This year, the world noted the significance of this anniversary. On Monday, at the request of the United States, Canada, the European Union, Australia, New Zealand, and Russia, the United Nations held the first-ever General Assembly commemoration of the World War II Holocaust. Six million Jews were murdered during the Holocaust, including two-thirds of European Jews.

As we remember the many who suffered and died at Auschwitz and at the other concentration camps, we must not forget the lessons of the past. These awful events revealed what people can do to one another, and we can never forget what happened only 60 short years ago. In not forgetting, we must be careful that this form of genocide is never repeated. Even now, in too many countries, anti-Semitism is on the rise. The State Department recently released a report indicating it is gaining momentum in Europe and the Middle East. In a Wall Street Journal commentary, author Adam Zagajewski stated that there is "a solid, murky stratum of anti-Semitism more and more perceptible in different European countries." The world must respond to this threat—before it is too late.

Here in the United States, we have always recognized the importance of religious freedom. Religious freedom is more than just religious tolerance—it is religious pluralism. We must not err on either extreme—either to impose one religion on all peoples or, what some would like to see in this country,

to banish all expression of religion from the public square. Rather, we should welcome all religions and expressions of faith. This is the right on which our country was founded, and we must continue to allow people to worship as they please and freely live out their faith as good citizens.

In his well-known 1790 letter to the Newport Hebrew Congregation, President George Washington wrote, "The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess a like liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."

This country has a history of encouraging faith. In 1948, as the Jewish community in Munich was still rebuilding after the end of World War II, local rabbis asked the United States Armed Forces for assistance in obtaining copies of the Talmud. The Nazis had tried to destroy all the copies of the Talmud during World War II and only a precious few were left to study. When requested by the local rabbis, the United States Armed Forces responded, and helped to publish 19 volumes of the Talmud for the use of the community, recognizing the great importance of the Talmud to rebuilding the displaced Jewish community in that region. The title page of the first volume of that new Talmud edition stated that it was published "with the aid of the American Military Command and the American Jewish Joint Distribution Committee in Germany." It was dedicated to the "United States Army," which provided the opportunity and the means for its publication. In this example, the United States Army reached out to help displaced persons, who had faced such terrible struggles to survive, to rebuild the community in that land, and it did so by encouraging their faith.

In like manner, we should encourage people to live out their faith, for it is faith that teaches us to respect the lives of those around us, to love our neighbors, and to care for one another. True religious freedom and pluralism does not mean that we will agree with our neighbor on our faith beliefs, but it does mean that we will fight for the right of our neighbor to freely believe what he or she thinks best.

Banishing religion from the public square will not result in respect for all but, rather, respect for a few. Ensuring that everyone is free to practice one's faith in one's own way is the correct way to build a culture that is respectful of differences and mindful of the

needs of others. It is the way to ensure that Auschwitz, Buchenwald, and the other death camps are never repeated in other areas of the world.

#### COSPONSORSHIP OF S. 187

Mr. CORZINE. Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of S. 187, the Ensuring College Access for All Americans Act.

I would like to note for the RECORD that Senator FEINSTEIN should appear as an original cosponsor of S. 187. As a result of an administrative error by my office, she was not added to the bill when it was introduced.

#### CONFIRMATION OF MICHAEL O. LEAVITT TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

Mrs. FEINSTEIN. Mr. President, I support the nomination of Governor Michael O. Leavitt to be U.S. Secretary of Health and Human Services.

Governor Leavitt has had a lengthy career in public service, having served most recently as the 10th Administrator of the United States Environmental Protection Agency.

In 1992, Leavitt was elected the 14th Governor of Utah and was that State's longest-serving Governor.

During his three terms as Utah's Governor, he was chosen by the Nation's Governors to represent States in working with Congress on welfare reform, Medicaid and children's health insurance. He chaired the National Governors Association, the Western Governors Association, the Republican Governors Association and Council of State Governments.

Governor Leavitt established an innovative welfare reform waiver program focused on increasing family income using an approach that emphasized employment and child support, but also addressed initial problems with families in need such as domestic violence, education, training, language barriers, and substance abuse issues to promote sustainable employment.

This year, the HHS Secretary will have the critical task of overseeing the implementation of the first ever drug benefit in Medicare as well as the implementation of several program reauthorizations such as Ryan White, Temporary Assistance for Needy Families, and the State Children's Health Insurance Program, all within an ever-constrained budgetary picture.

As someone who voted for the Medicare Modernization Act, it is my hope that Governor Leavitt will work with me to address some of the weaknesses of the bill in addition to ensuring that the more than 41 million Medicare beneficiaries know about this new benefit in Medicare and its low-income subsidies.

Of greatest concern to me is the cost of prescription drugs. In voting for the Medicare bill, I said on the Senate floor that one of the greatest weak-

nesses of the bill was that it not only did not do enough to control the rising cost of prescription drugs but it specifically prohibited the HHS from using the bulk purchasing power of the Federal Government to negotiate with prescription drug plans to lower drug prices for Medicare beneficiaries. I believe this prohibition should be stricken and that there should be a role for the HHS Secretary in what Medicare and beneficiaries pay for their drugs.

I am committed to working with the HHS Secretary to find real solutions for lowering drug costs for our Nation's seniors.

As the Medicare drug benefit is enacted, I am also hopeful that Governor Leavitt will work to ensure access to all needed medications for people living with HIV and AIDS, to allow for adequate transition time for the most vulnerable low-income seniors and to provide sufficient incentives and transparency for employers to retain their retirees' health care coverage.

Governor Leavitt will oversee the Department of Health and Human Services at a time of rising deficits and this will require tough decisions. But these decisions must be balanced with the needs of the millions of Americans, young and old, who rely on Medicare, Medicaid and SCHIP to provide their health care insurance.

Medicaid provides insurance to 40 million Americans, about 8 million of whom live in California. It covers 55 percent of all poor children and it pays for the births of one-third of all American children. It serves 50 percent of all people with AIDS and as many as 90 percent of children with AIDS.

Medicaid is the insurer of last resort. If Medicaid did not exist, these individuals and families would be uninsured.

But it is also the biggest budget items in many States. There is no question we can improve the efficiency and quality of Medicaid to ensure our dollars are being well-spent but we also cannot lose site of the fact that increases in spending per enrollee from 2000 until 2003 were slower than increases in private insurance spending.

There are 45 million Americans without health insurance today. Arbitrary limits on Federal Medicaid spending will only increase the number of uninsured, driving up overall health care costs and burdening our nation's already overcrowded emergency rooms.

There is a great deal of work to be done, and I look forward to a productive working relationship with Governor Leavitt.

#### CONFIRMATION OF DR. CONDOLEEZZA RICE TO BE SECRETARY OF STATE OF THE UNITED STATES

Mr. ROCKEFELLER. Mr. President, I have followed closely both the confirmation hearing of Dr. Rice before the Foreign Relations Committee and the floor debate on her nomination. After considerable reflection, I have

decided to vote in favor of Dr. Rice's confirmation, although I must state for the record that I do so with some reservations.

I intend to support her nomination primarily because I believe the foreign policy of the United States must reflect a spirit of bipartisanship. Amidst the complex challenges that we face in the war on terrorism, this country cannot afford enduring divisions on international issues. We must return to common ground, not least so that the rest of the world recognizes our single purpose and our resolve. I should note, parenthetically, that restoring that lost unity depends equally upon the majority party, as upon my party.

Dr. Rice has the credentials to be Secretary of State. As National Security Adviser, she has proven an eloquent advocate for the administration's policies. At her confirmation hearing, she made clear our need for effective diplomatic engagement worldwide. I welcomed that emphasis. Perhaps most importantly, Dr. Rice has the President's utmost confidence—this will, I am certain, be an asset in her dealings with other nations, as well as in working with other agencies in our own Government.

My reservations about Dr. Rice stem not from doubts about her abilities, but rather from my concerns about her role in developing U.S. policy toward Iraq and in characterizing the threats posed by Iraq prior to the conflict. I have concluded that many of the administration's statements on Iraqi weapons, including those of Dr. Rice, were simply not underpinned by the intelligence available. That is troubling, as was Dr. Rice's failure, during the confirmation hearing, to acknowledge that mistakes were made, not only in the conduct of the war and its aftermath, but in the policies that led us into it.

This goes directly to the question of accuracy and accountability—whether this administration will take responsibility for its decisions and learn from the past, so as not to repeat the same errors in future. I believe that the decision to go to war in Iraq was wrong. Nevertheless, despite great skepticism among the American people about Iraq, President Bush was reelected. We must now go forward together to achieve stability in Iraq, to bring our forces home, and to restore American credibility at home and abroad.

The dubious decisions, not the nominee, concern me; however, I will not oppose Dr. Rice because I disagree with the administration's policies. That would not be conducive to the bipartisan foreign policy that I believe is crucial. Rather, I look forward to working with Dr. Rice to forge consensus on a more balanced approach to national security issues.

#### TARIFF RELIEF ASSISTANCE FOR DEVELOPING ECONOMIES ACT

Mrs. FEINSTEIN. Mr. President, I support legislation recently introduced