

bill, I am troubled by the level at which the bill defines a "small" company. The bill recognizes that there are differences in large and small companies and their ability to pay user fees. The "two-tiered" approach to take in the application of user fees is the correct approach to take. However, the bill defines a "small" manufacturer as one with revenues of \$10 million annually or less. This will capture only around 8 percent of medical device companies. In my opinion, this is too low and not adequate to meet the needs of small manufacturers. A more appropriate level for a "small" manufacturer would be around \$25 to \$30 million in annual revenue, companies that have 50–70 employees. The resources that must be invested in research and the testing necessary before a company even goes to FDA with an application is significant. There are individual innovators who have started companies based upon their own hard work and research. . . . modern day Thomas Edisons. While I would not say that they work out of their garages, it is true that many ideas and advances in technology have come from hard working individuals, who take the risk of starting their own medical device company. I do not want to have the federal government enact legislation that will stifle this innovation or make it impossible for the small companies to become big companies.

This past summer, I met with the representatives of many small medical device manufacturers based in Indiana. All these companies wanted is a chance to develop their products and to compete. They are very willing to play by the rules of safety and effectiveness that we impose on all manufacturers as good public policy. But because of their more limited resources, they do not want to be disadvantaged from the big companies. I agree with their concerns and, therefore, I am troubled by the level set in this bill.

Nonetheless, I intend to support the bill and I urge its adoption.

Mr. WELLER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 5557.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WELLER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. WELLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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#### SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McNULTY) is recognized for 5 minutes.

(Mr. McNULTY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this evening I would like to insert several

articles into the RECORD dealing with the issue of war against Iraq and the gulf, and I wanted to remind those who are listening that, indeed, if we look at the foreign policy of the United States over the last 30 years or so, we have had more Americans killed at home and abroad as a result of rising terrorism than in the first 187 years of our country.

So we have to begin to ask the question, why are we losing so many Americans in this way? Why is Washington becoming more barricaded? Why can we not go and ride in front of the White House anymore in our cars? Why are there bomb searches all over this city? Why are American embassies being built like bunkers all around the world? I would like to submit the following.

If we think back to the time when President George Bush, Senior, prior to his election as President was director of the CIA, that was about 1977, the mid-1970s, before President Jimmy Carter became President of the United States, and at the time my colleagues might recall that the Shah of Iran was deposed in the late seventies. I think it was late 1979, and many American hostages were taken, including Terry Anderson.

At the moment that Jimmy Carter's presidency reverted to Ronald Reagan after the election of 1980, the hostages were returned home. President Carter worked very, very hard, as history will record.

Then when the Reagan-Bush administration, the new administration, took over, they essentially made a deal between our country and the Gulf states to go after Ayatollah Khomeini, the new leader in those days of Iran, who had taken our hostages. And who did they hire to do the dirty work for them? They hired none other than Saddam Hussein.

They gave him weapons through the government of the United States, and, indeed, if we look back, and I am trying to find the exact set of hearings right now. In the Committee on Banking of the House of Representatives, a hearing was held regarding the extension of Treasury tax credits, agricultural tax credits to Saddam Hussein in order to buy fertilizers, in quotes, with chemicals from our country at the same time in our country's history when we would not even make those same extensions of credit to our farmers. Companies in Salem, Ohio, and Bedford, Ohio, were being asked by our Treasury to sell those same chemicals to Iraq; and, indeed, it was done.

The Gulf states and the United States were afraid perhaps that the Ayatollah Khomeini at that time might bomb Mecca or try to spread his revolution throughout the Middle East and get control of the oil fields. So Saddam Hussein was promised access, better access from Iraq, which is landlocked, to a waterborne commerce through Kuwait, a slip of land, which

in the end he never did get and, ultimately, he invaded in order to get that access.

Then, of course, if we look back to the early 1990s, the United States went to war to defend the Iraqi-Kuwaiti border, but, in fact, the very monster that we helped to create at that point was trying to fulfill what he had been promised as a result of U.S. assistance all through that period, especially when the Reagan and Bush administration took office and then President Bush himself elected in 1988 and taking us into the Gulf War.

It is really important to remember and to ask ourselves the question, who encouraged Saddam Hussein? Who encouraged him to take on Iran? Who encouraged him to try to depose the Ayatollah, and who gave him the weapons and the credits to our Treasury Department to finance those initial actions inside of Iraq that created the monster that the President of the United States, the son of the first George Bush, talked about on the television tonight?

My colleagues might also think about the fact, who armed Osama bin Laden to fight inside Afghanistan against the then Soviet Army? Who did that? Who was President of the United States when that happened? George Bush, Senior, was President of the United States when that happened; and, of course, the Russians went to certain defeat in Afghanistan after a long period of time. Where did al Qaeda learn some of those fighting techniques? Who helped them do that? Where did they get those rifles?

So I just wanted to put that on the RECORD. I know there are other historians who will add to this, but I also wanted to read from a veteran who wrote an editorial to the New York Times last week Wednesday entitled, *Fighting the First Gulf War*. The last sentence, and I will end with this, reads, "I watched the fallout from the burning oil wells coat my uniform and I knew that I was breathing into my lungs the crude oil I was fighting for." I ask America to think about it.

I will insert in the RECORD at this point the articles that I referred to earlier.

[From the New York Times, Oct. 2, 2002]

#### FIGHTING THE FIRST GULF WAR

(By Anthony Swofford)

PORTLAND, ORE.—In August 1990 my Marine infantry Battalion, deployed to Saudi Arabia to defend the country from invasion by the Iraqi army. Iraqi soldiers had invaded Kuwait during the early morning of Aug. 2. For more than a week afterward we sat atop our rucksacks on the parade field at the Marine base at Twenty Nine Palms, Calif., waiting for transportation to Riyadh. From where we sat, the world looked amazingly black and white, with little room or need for diplomacy or cowardice. We were excited to retaliate against Saddam Hussein, to enter combat.

When we finally arrived on the tarmac at Riyadh, everything looked and felt extremely hot, a mirage on high boil, the heat warping the terrain into a violent storm of

sand and weaponry and thirst. We spent the next six months living and training in the Arabian Desert, in constant fear of the nerve gas our commanders had warned us Saddam Hussein would use. Even when I slept, the gas mask was there, a reminder of the horrors of sarin gas. To negate the effects of the sarin, we were ordered to take pyridostigmine bromide pills, now considered a possible cause of the mysterious gulf war syndrome. But worse than the pills was the constant ringing in our ears—"Gas! Gas! Gas!"—the warning call we practiced at all hours to don and clear our gas masks in less than 10 seconds. Under a gas attack we'd also have to wear Mopp suits, 10-pound charcoal-lined garments that were unwieldy and hot—and were only available in a jungle-camouflage pattern (not much help hiding in the desert).

On Jan. 16, 1991, the American-led coalition against Iraq started the bombing campaign that would, over about six weeks, devastate Iraq's military. Our colonel informed us that Operation Desert Shield had changed to Storm, that we were now at war. Two days later the Iraqis launched a few Scud missiles into Israel and Saudi Arabia. Despite the fact that my unit operated in the middle of the desert and that Iraq's air force had been destroyed, and with it most of Saddam Hussein's intelligence apparatus, we spent our evenings jumping in and out of fighting holes for Scud alerts that turned out to be false. During the air campaign we traveled around the desert in our Humvees much the way we had prior to the bombing—bored, tired, dehydrated, anxious and afraid of what the future might bring.

We wanted to live, even though the way we'd been living was unpleasant. We hadn't had proper showers in 10 or more weeks. My friend Troy insisted one morning that I pour a five-gallon water jug over his head while he scoured his body with Red Cross soap. The water and soap and filth poured off Troy and soaked the ground in a large damp circle, and for a moment, while standing in this circle, I thought that I'd somehow been made safe. I thought that with our little ring of water and Troy's simple desire to be clean, we'd created a gap between ourselves and the rest of the desert and the enemy lurking there, and that we could sink into the earth, into our small safe space. But in the distance I saw a Marine tank battalion roaring across the desert, and I knew again that safety had ended months before.

On Feb. 18, when my unit moved to the Saudi-Kuwaiti border, the ground war was imminent. Combat engineers had built a 15-foot-high earth berm between the two countries. On the other side of the berm, we were told, were Iraqi antipersonnel mines. My platoon dug fighting holes in a perimeter around the command post. Before we completed our task, the Iraqis attacked with artillery.

The incoming rounds were confusing, frightening and ineffective. Someone incorrectly called out, "gas." Had the enemy's forward observer walked his rounds 100 yards north he would've scored a direct artillery hit on our command post. But he hadn't. At the border, while we awaited our orders to fight, helicopters outfitted with tape players and powerful speakers flew overhead and played 1960's rock music—Jimi Hendrix. The Doors, the Rolling Stones—all day, to harass the nearby enemy. As the music blasted, coalition propaganda pamphlets blew across our side of the border like useless, retired currency.

A few days later, we entered Kuwait and fought the Iraqi Army. The tankers experienced the most combat. At one point, another Marine task force mistook my task force for the enemy. Those devastating tank

round passed over my head and I watched them explode. For a split second I imagined myself the victim of my own country's firepower. My team leader screamed into his radio handset to stop the friendly attack. One of my platoon mates, a burly Texan, folded himself into a ball and wept and cursed quietly. I knelt, stung by shock, a statue of fear. At least 35 of the 148 United States service members killed during the Persian Gulf war died at the hands of allied forces.

My six-man night patrol passed near enough to an Iraqi troop carrier to hear the troops speaking. We were outgunned, so we listened and didn't shoot. I urinated down my legs and into my boots. The next morning, in my wet boots and useless Mopp suit, I marched 20 miles north from the Saudi border. I put on and took off my gas mask dozens of times for false gas alerts. We marched past Marine artillery battalions busy sending their fierce rounds 10,000 yards north. The men screamed and clapped as each round left their powerful weapons.

From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat. The tails of unexploded bombs, buried halfway or deeper in the earth, served as makeshift headstones and chilling reminders that at any moment, the whole place could blow.

On the last day of the war, from a sniper hid I observed a confused Marine infantry battalion attempt to overtake an airfield while smoke from burning oil wells hampered command and control. Across the radio frequency I heard medevac calls, after two Marines shot each other with rifles; on the other side of the airfield hundreds of Iraqi soldiers surrendered, their boots hanging around their necks, white towels and propaganda surrender pamphlets clutched in their hands like jewels. I watched the fallout from the burning oil wells coat my uniform, and I knew that I was breathing into my lungs the crude oil I was fighting for.

[From the New York Times, Oct. 7, 2002]

#### SHARON TELLS CABINET TO KEEP QUIET ON U.S. PLANS

(By James Bennet)

JERUSALEM, Oct. 6.—Israel's prime minister, Ariel Sharon, warned his cabinet ministers today not to talk about American plans for Iraq, urging them to overcome for the good of the possible war effort what often seems a national compulsion to share one's insights as widely as possible.

Prodded by the Bush administration, Mr. Sharon concluded that it was time to address what one senior Israeli official today called "the blabbering thing that occurs here."

Given the rollicking tumult of Israeli politics, it is not uncommon to see leaks in the news media about official anger over leaks, or to read an inside account of one high official dressing down another for talking too much to reporters. The Israeli media have been awash recently with officials' views on Iraq.

The Israeli media have also been reporting that the Bush administration is furious about the chatter.

"Everybody wants to voice his opinion on any lively subject," the senior Israeli official said. "This is healthy. But there are times when you need to be responsible, to take responsibility, and to shut up."

Late last week, Defense Minister Benjamin Ben-Eliezer, who in the past has shared too much for the Bush administration's taste, ventured that the Americans would attack Iraq at the end of November. His comment

captured banner head-lines, even though his hasty clarification said that he was merely voicing a "personal assessment" and that he meant the attack would begin at the end of November or later.

Mr. Sharon is planning to go to Washington this month, at President Bush's invitation, to discuss Iraq and the Israeli-Palestinian conflict.

After today's cabinet meeting, the official public summary reported tersely, "Prime Minister Sharon requested that ministers cease making remarks about Iraq."

Even as Mr. Bush has sought in recent days to play up the imminence and potency of the Iraqi threat, some of Israel's top security officials have played both down.

Lt. Gen. Moshe Yaalon, Israel's chief of staff, was quoted in the newspaper Maariv today as telling a trade group in a speech over the weekend, "I'm not losing any sleep over the Iraqi threat." The reason, he said, was that the military strength of Israel and Iraq had diverged to so sharply in the last decade.

Israel's chief of military intelligence, Maj. Gen. Aharon Farkash, disputed contentions that Iraq was 18 months away from nuclear capability. In an interview on Saturday with Israeli television, he said army intelligence had concluded that Iraq's time frame was more like four years, and he said Iran's nuclear threat was as great as Iraq's.

General Farkash also said Iraq had grown militarily weaker since the Persian Gulf war in 1991 and had not deployed any missiles that could strike Israel.

The torrent of newspaper articles continued today with Yediot Ahronot elaborating on reports in the United States about the details of American-Israeli plans for coordination in the event of war. It said that Mr. Bush would give Mr. Sharon 72 hours notice and that the two nations had agreed on targets in Iraq. It also mentioned previously published reports that the Americans would offer Israel a satellite to provide early warning of Iraqi missile strikes and that spare parts and other American equipment would be stored in Israel.

The Bush administration wants to dissuade Israel from responding should Iraq attack it after an American invasion, fearing that Israeli action would rally Arab support for the Iraqi leader, Saddam Hussein.

[From the New York Times, Oct. 7, 2002]

#### A HIDDEN COST OF WAR ON IRAQ

(By Shibley Telhami)

WASHINGTON.—One of the most appealing thoughts about a possible war with Iraq is that it could help spread democracy, transforming a rotten political order in the Middle East. But more likely, such a war would render the Middle East more repressive and unstable than it is today. Democracy cannot be imposed through military force, even if force is used successfully to oust antidemocratic dictators. And our vital aims in fighting terrorism, securing oil supplies and protecting the lives of American soldiers will, in the context of the Middle East, almost certainly ensure that the spread of democracy will again take a back seat to our national priorities.

Aside from the significant challenges in Iraq itself, the picture in the rest of the region will be troubling. Regardless of our real objectives, most Arabs and Muslims will see in the war American imperialism. Governments in the region may support the war for fear of being on the losing side, or may simply stay neutral. Because support goes against the over-whelming sentiment of their citizenry, they will likely endorse our course through political repression. If King Abdullah of Jordan, like other rulers in the

Middle East, has to face a choice between supporting the war while repressing his people and yielding to Jordanian public opinion by opposing our effort, it's clear what our preference will be. For that we need not dig deep into history; our commitment to fighting al Qaeda has understandably defined our current relationship with Pakistan in a way that has caused us to put aside democratic values in order to achieve a more vital goal. These values will likely be sacrificed in our relationship with other nations in the Middle East, even with the best of intentions.

At the same time, we would not be comfortable if democratic change in the region results in the victory of radical Islamist groups, as happened in Algeria a decade ago. Nor is it likely that we would be willing to accept democratically elected militant Islamist groups to run the Saudi government and control the world's largest oil reserves as well as the pulpit of Mecca.

The political order in the Middle East is bankrupt today, and if stability means the continuation of the status quo, that would not be appealing. Change is necessary for the good of the people of the Middle East and for the good of the world. But not any change, and not through any means. The use of military force may be necessary for other reasons, but it is more likely to stifle than to nurture democracy movements in authoritarian Arab states.

America's political success has undoubtedly been bolstered by its superior military power. But our military power itself is a product of a successful economic and political system. Those around the world who sought change of their political and economic systems did so in large part on their own—and in many cases with America's political and economic success as a model. Those who want to achieve that success will have to emulate the model. And those who don't will likely fail.

Powerful ideas are willingly accepted because they inspire, not threaten. Even those who are reluctant to embrace democracy, like the leaders in Beijing, have understood the need to emulate much of America's economic approach lest they be left further behind. And in embracing a new economic approach, they have also unleashed a political process they will not be able fully to control.

Ultimately, America's role is to assist in the spread of democracy and, above all, to inspire. Wars may simultaneously open up new opportunities for change, as in Afghanistan, and close others, as in Pakistan. But democracy cannot be dictated through war, especially when war is opposed by people of the region. The thought that, because America has unequalled power, we know what is best for others—even better than they do themselves—would not be comforting to most Americans. Certainly, such a notion is not compatible with the very ideal of democracy we seek to spread.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district office.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today and October 8 until 7:00 p.m. on account of attending a funeral.

Mr. FOLEY (at the request of Mr. ARMEY) for today on account of official business.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today and October 8 on account of a death in his family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 8, 9, 10, and 11.

Mr. OSBORNE, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Financial Services.

S. 1806. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, to the Committee on Energy and Commerce.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

H.J. Res. 112. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.