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House of Representatives

The House met at 9 a.m.

The Reverend Won Sang Lee, the Korean Central Presbyterian Church, Vienna, Virginia, offered the following prayer:

Heavenly Father, creator of the heavens and the earth, You are the sovereign Lord over all.

We thank You for blessing us with our lives, our loves and all our pursuits of happiness. We thank You for forming us as ''one Nation under God.'' And, Lord, we thank You for calling these men and women to be, for this Nation, faithful and true representatives.

Heavenly Father, may You now enable these men and women of our Congress to lead our country with integrity, zeal and compassion.

Help them to embrace and realize their diversity to strengthen our country and keep it indivisible. Give them supernatural courage and determination to oppose any who threaten our liberty. Fill them with wisdom and impartiality to mete out justice for all.

For Your glory and honor, we pray all these things in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Wisconsin will be recognized for 1 minute. All other 1-minutes will be at the end of today's business.

WELCOMING THE REVEREND WON SANG LEE

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor today to introduce our guest chaplain this morning, Reverend Won Sang Lee, senior pastor of the Korean Presbyterian Church in Vienna, Virginia. I do this on behalf of the gentleman from Virginia (Mr. TOM DAVIS).

Reverend Lee has been a spiritual leader in the 11th District of Virginia for over 25 years and he has spearheaded his church's efforts towards community outreach both locally and internationally. Reverend Lee is president of Seed International, a mission agency which provides support to missions around the world, including the United States and Korea. He is also Moderator for the Coalition of the Korean Churches in the Presbyterian Church in America, and cochairs the Korean World Mission Council for Christ.

Reverend Lee earned his B.A. in Philosophy from KeiMyung University and an M.A. in Philosophy from KyungBook University in Korea. He has also earned a Theological Master in the Old Testament from the Dallas Theological Seminary and a Master of Arts in Near Eastern Studies from the University of Pennsylvania.

In November 2001, Reverend Lee received the Virginia Governor's Award for ''Outstanding Religious Institution'' in Richmond, Virginia. This award was granted for his work in the Korean Central Senior Center, where he has served as Chairman of the Board of Directors since 1994. Earlier this year, Reverend Lee was asked to lead the Virginia State House of Delegates with opening prayer in Richmond, Virginia.

I ask my colleagues in the House to join myself and the gentleman from Virginia (Mr. TOM DAVIS) in welcoming Reverend Lee to this Chamber.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to section 3 of House Resolution 574, proceedings will now resume on the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on the legislative day of Wednesday, October 9, 2002, all time for debate on the joint resolution, as amended, under section 1 of House Resolution 574 had expired.

It is now in order to consider amendment No. 1 printed in House Report 107–724.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 1 OFFERED BY MS. LEE

Ms. LEE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 1 offered by Ms. LEE:

Strike the preamble and insert in lieu thereof the matter preceding the resolved clause, below, and strike the text and insert in lieu thereof the matter following the resolved clause, below:

Whereas on April 6, 1991, during the Persian Gulf War, Iraq accepted the provisions

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of United Nations Security Council Resolution 687 (April 3, 1991) bringing a formal cease-fire into effect;

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally accepted the destruction, removal, or rendering harmless of ''all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto'', and ''all ballistic missiles with a range greater than one hundred and fifty kilometers, and related major parts and repair and production facilities'';

Whereas, in accordance with Security Council Resolution 687, Iraq unconditionally agreed not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities;

Whereas Security Council Resolution 687 calls for the creation of a United Nations special commission to ''carry out immediate on-site inspection of Iraq's biological, chemical, and missile capabilities'' and to assist and cooperate with the International Atomic Energy Agency in carrying out the ''destruction, removal or rendering harmless'' of all nuclear-related items and in developing a plan for the ongoing monitoring and verification of Iraq's compliance;

Whereas United Nations weapons inspectors (UNSCOM) between 1991 and 1998 successfully uncovered and destroyed large stockpiles of chemical and biological weapons and production facilities, nuclear weapons research and development facilities, and Scud missiles, despite the fact that the Government of Iraq sought to obstruct their work in numerous ways;

Whereas in 1998, UNSCOM weapons inspectors were withdrawn from Iraq and have not returned since;

Whereas Iraq is not in compliance with United Nations Security Council Resolution 687, United Nations Security Council Resolution 1154, and additional United Nations resolutions on inspections, and this noncompliance violates international law and Iraq's ceasefire obligations and potentially endangers United States and regional security interests;

Whereas the true extent of Iraq's continued development of weapons of mass destruction and the threat posed by such development to the United States and allies in the region are unknown and cannot be known without inspections;

Whereas the United Nations was established for the purpose of preventing war and resolving disputes between nations through peaceful means, including ''by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional arrangements, or other peaceful means'';

Whereas the United Nations remains seized of this matter;

Whereas the President has called upon the United Nations to take responsibility to assure that Iraq fulfills its obligations to the United Nations under existing United Nations Security Council resolutions;

Whereas war with Iraq would place the lives of tens of thousands of people at risk, including members of the United States armed forces, Iraqi civilian non-combatants, and civilian populations in neighboring countries;

Whereas unilateral United States military action against Iraq may undermine cooperative international efforts to reduce international terrorism and to bring to justice those responsible for the attacks of September 11, 2001;

Whereas unilateral United States military action against Iraq may also undermine United States diplomatic relations with countries throughout the Arab and Muslim world and with many other allies;

Whereas a preemptive unilateral United States first strike could both set a dangerous international precedent and significantly weaken the United Nations as an institution; and

Whereas the short-term and long-term costs of unilateral United States military action against Iraq and subsequent occupation may be significant in terms of United States casualties, the cost to the United States treasury, and harm to United States diplomatic relations with other countries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States should work through the United Nations to seek to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction, through mechanisms such as the resumption of weapons inspections, negotiation, enquiry, mediation, regional arrangements, and other peaceful means.

The SPEAKER pro tempore. Pursuant to House Resolution 574, the gentlewoman from California (Ms. LEE) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, today our Nation is debating the very profound question of war and peace and the structure and nature of international relations in the 21st century.

Before us today is the serious and fundamental question of life and death: whether or not this Congress will give the President authority to commit this Nation to war.

Always a question of the greatest importance, our decision today is further weighted by the fact that we are being asked to sanction a new foreign policy doctrine that gives the President the power to launch a unilateral and preemptive first strike against Iraq before we have utilized our diplomatic options.

My amendment provides an option and the time to pursue it. Its goal is to give the United Nations inspections process a chance to work. It provides an option short of war with the objective of protecting the American people and the world from any threat posed by Iraqi weapons of mass destruction.

The amendment urges the United States to reengage the diplomatic process, and it stresses our government's commitment to eliminating any Iraqi weapons of mass destruction through United Nations inspections and enhanced containment.

It emphasizes the potentially dangerous and disastrous long-term consequences for the United States of codifying the President's announced doctrine of preemption.

The administration's resolution forecloses alternatives to war before we have even tried to pursue them.

We do not need to rush to war, and we should not rush to war. If what we are worried about is the defense of the United States and its people, we do not need this resolution.

If the United States truly faced an imminent attack from anywhere, the President has all of the authority in the world to ensure our defense based on the Constitution, the War Powers Act and the United Nations Charter.

Our own intelligence agencies report that there is currently little chance of chemical and biological attack from Saddam Hussein on U.S. forces or territories. But they emphasize that an attack could become much more likely if Iraq believes that it is about to be attacked. This is a frightening and dangerous potential consequence that requires sober thought and careful reflection.

President Bush's doctrine of preemption violates international law, the United Nations Charter and our own long-term security interests. It will set a precedent that could come back to haunt us.

Do we want to see our claim to preemption echoed by other countries maintaining that they perceive similar threats? India or Pakistan? China or Taiwan? Russia or Georgia?

I would submit that we would have little moral authority to urge other countries to resist launching preemptive strikes themselves. This approach threatens to destabilize the Middle East, unleash new forces of terrorism and instability and completely derail any prospects for peace in the region.

Unilateralism is not the answer. Iraqi weapons of mass destruction are a problem to the world community, and we must confront it and we should do so through the United Nations. Multilateralism and steadfast commitment to international law should be the guiding principle as we move into the 21st century.

As I said, the purpose of my amendment is to let the United Nations do its work. Let us give inspections and other containment mechanisms a chance to succeed once again. Inspections did make real progress in eliminating weapons of mass destruction in the 1990s despite Saddam Hussein's best effort at obstruction and deceit. U.N. inspectors destroyed large stockpiles of chemical weapons, missiles and weapons of mass destruction. We can and should renew and expand this process.

In addition to inspections, we should improve border monitoring through an enhanced containment system to prevent shipments of nuclear materials or other weapons to Iraq. And we should install surveillance technology on the border to detect such materials.

As part of enhanced containment, we should work with the countries bordering Iraq and with regional seaports to ensure that United Nations Security Council resolutions are enforced, and we should plug holes in the current arms embargo blanket. We should also work on nonproliferation efforts globally to secure weapons materials.

All of these are diplomatic options that we can and should undertake and which can lead to success.

What we are doing today is building the framework for 21st century international relations. It will either be a framework of unilateralism and insecurity or multilateral cooperation and security. It is our choice.

During the Cold War, the words ''first strike'' filled us with fear. They still should.

I am really appalled that a democracy, our democracy, is contemplating taking such a fearsome step and really setting such a terrible international precedent that could be devastating for global stability and for our own moral authority.

We are contemplating sending our young men and women to war where they will be doing the killing and the dying. And we, as representatives of the American people, have no idea where this action will take us, where it will end and what price we will pay in terms of lives and resources. This too should cause us to pause. We have choices, however, and we have an obligation to pursue them, to give U.N. inspections and enhanced containment a chance to work.

What this resolution does state very clearly and firmly is that the United States will work to disarm Iraq through United Nations inspections and other diplomatic tools. It states that we reject the doctrine of preemption, and it reaffirms our commitment to our own security and national interests through multilateral diplomacy, not unilateral attack.

I urge you to protect our national interests by giving the United Nations a chance by supporting this amendment.

It does not foreclose any future options.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the amendment in the nature of a substitute offered by the gentlewoman from California. I certainly do not mean to offend her. She is one of the very good Members of the House Committee on International Relations, but I think her amendment suffers from terminal anemia. It is like slipping someone an aspirin who has just been hit by a freight train.

Let us review Saddam Hussein's pattern of lawlessness. He is employing the vast wealth of his country and a legion of capable scientists and technicians to develop biological, chemical and nuclear weapons at the expense of food and medicine for the women and children of Iraq. He invades neighboring countries, and continues his support for some of the world's most notorious terrorists and the groups that support them.

In the mid 1990s, U.N. inspectors unearthed detailed drawings for constructing a nuclear device. In 1998, the International Atomic Energy Agency began dismantling nuclear weapons facilities in Iraq, including three uranium enrichment plants. Over the past decade, he subjected tens of thousands of political opponents to arbitrary arrest, imprisonment, starvation, mutilation and rape.

On Monday night, President Bush announced that Saddam possesses a growing fleet of manned and unmanned aerial vehicles that could be used to disburse his stockpile of chemical and biological weapons across broad areas.

While Saddam repeatedly violates the myriad of U.N. Security Council resolutions passed since 1991, the world watches, the world waits and the world does nothing.

So how do supporters of the Lee substitute propose to respond to Saddam's continuing affront to international law and norms? With conciliation and negotiation.

For 11 years, the international community has attempted to do just that. Weapons inspectors have been banned from Iraq since 1998. During the 7 years inspectors were permitted in the country, their efforts were undermined by Iraqi coercion and cover-up.

The gentlewoman is certainly correct that the United States should work to build an international consensus to ferret out and destroy Saddam's weapons of mass destruction. And as we speak, the Bush administration is engaging the United Nations to employ arms to force Saddam to comply with Security Council resolutions. But in the last analysis, the security of the United States cannot be held hostage to a failure by the United Nations to act because of a threat of a Security Council veto by Russia, China or France.

The Lee substitute essentially advocates the futile policies of the previous decade and fails to recognize the United States as a sovereign Nation with an absolute right of self-defense, a right clearly recognized by Article 51 of the U.N. Charter.

Without a strongly worded Congressional resolution that gives the President the flexibility he needs, the Iraqi regime will have no incentive to comply with existing or new U.N. resolutions. Only clear and direct action of this Congress will send the essential message to the United Nations that the current stalemate must end. Only resolute action by this Congress can ensure the peace that all of us claim as a goal.

The Lee substitute is a well-intentioned but perilous receipt for inaction, based on wishful thinking, and that is what makes it so dangerous. We have had more than a decade of obfuscation by Saddam Hussein. At what point do the United States and the international community say enough? Enough lies, enough evasions, enough duplicity, enough fraud, enough deception. Enough.

I think the time has now come. I urge a no vote on this amendment.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this resolution represents neither conciliation nor negotiation. It is a resolution for continued containment, deterrence, that would be bolstered by intrusive, effective, forced, unfettered inspections. They worked before. They can work again. The most dispositive report on how effective those inspections were came from Tony Blair to the Parliament, and Saddam Hussein did not cooperate. He tried to hide the stuff. He could not hide it.

These inspections worked. There was the destruction of 40,000 munitions for chemical weapons, 2,610 tons of chemical precursors, dismantling of their prime chemical weapons development and production complex at at-Muthanna, the destruction of 48 SCUD-type missiles, the removal and destruction of the infrastructure for the nuclear weapons program, including the al-Athir weaponization/testing facility.

Intrusive, unfettered inspections with our allies will work. This cowboy, go-it-alone, to-heck-with-our-allies, to-heck-with-the-rest-of-the-world principle with an attack before we try this alternative is wrong.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding me this time. Mr. Speaker, I rise in opposition to the amendment offered by the gentlewoman from California. Let us contemplate for a moment the ramifications of substituting this amendment for the underlying Hastert-Gephardt resolution. If next February Saddam Hussein limits the ability of U.N. inspectors to check for weapons of mass destruction, the Lee amendment says let's talk. If next April Saddam Hussein kills several thousand innocent Iraqi men, women and children using biological agents, the Lee amendment says again, let's talk. If next June a terrorist attempts to use a crude nuclear device facilitated by Iraq against a major U.S. city, the Lee amendment says, let's talk.

Mr. Speaker, the lack of enforcement contained in this amendment is a bit like a senior citizen trying to stop a mugging by suggesting they dance the polka. Supporters of this amendment say, let's support the return of weapons inspectors to Iraq. We have done that. They say, let's go to the U.N. for a solution. We have done that. They say, let's engage our allies in this effort. I say again, we have done that.

Mr. Speaker, what cannot be disputed today is that peace and freedom are the ends to which we now seek our means. President Bush has demonstrated the courage to lead and to draw a line in the sand. Now is the time for Congress to support his leadership. I am proud to join a broad bipartisan coalition of Members by standing up to tyranny and oppression and opposition to freedom by voting no on this amendment. By rejecting this spurious amendment we will ensure that America's promise to uphold the rule of law

and to protect the peace-loving people of the world actually has meaning.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the Lee amendment and as a cosponsor of the amendment. The amendment asks what the American people want. They want us to work through the United Nations, work through that process, and I want to report and you all know the United Nations has said yes, we will work with you, we will go in, we will have unfettered inspections and we will work and come back. It is not an ''if'' kind of situation, it is an ''is.'' And the ''is'' is that the American people want the United Nations involved and they want the inspections to go forward and at a date determined to come back and report. Our CIA, our intelligence agency, has reported to this Congress and this Nation that there is no imminent threat that Saddam Hussein will attack America. He does not have the capability. Let the U.N. process work, and that is what the Lee amendment asks.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, our Constitution entrusts to Congress alone the power to declare war, a power we should invoke with great care on evidence of a clear and present danger to our country.

President Bush has asked Congress to cede that power to him to be wielded against Iraq at a time of his choosing, with or without United Nations support, in a unilateral, preemptive strike of his own determination of the level of threat Iraq poses to our national security.

I will not surrender our constitutional authority. I will not vote for the committee resolution which confers upon the President fast-track warmaking power. The President should first win U.N. Security Council approval of a new, more rigorous round of arms inspections in Iraq.

If Iraq resists the international inspectors and the mandated inspections fail, the President should then obtain a Security Council authorization of force, as was done in 1990, following which he should ask Congress for approval to wage war against Iraq. The resolution offered by the gentlewoman from California respects the Constitution and the American people and will give renewed diplomacy a chance.

The Committee Resolution grants the President a new foreign policy and national security tool that charts us on a fundamental departure from historic U.S. foreign policy toward a dangerous precedent of first strike military authority for future Presidents. Once established, this resolution has enormous global consequences and will set the standard for other nations to attack preemptively, without restraint.

This policy is contrary to our entire national tradition. The United States did not pursue a policy of first strike military authority against the Soviet Union during the Cold War when the Soviets had nuclear weapons directed at U.S. cities and military targets. Nor did the United States strike first against Iraq in 1990–1991.

For most U.S. citizens, the real threat to the nation is our deteriorating domestic security: unemployment, the loss of retirement income, access to affordable prescription drugs, and corporate misfeasance and malfeasance that are eroding workers' retirement and health care security.

Our domestic economy is in serious decline. Congress and the President should, as our top priority, mobilize investments in infrastructure and job training to put the unemployed back to work. We have to mount new strategies to counter unfairly-traded imports that undermine our national security through loss of jobs and income.

Earlier this year, the President made important recommendations in this Section 201 Steel Remedy plan. Since then, however, he has backtracked, granting numerous exemptions to allow significant subsidized steel imports to pour into our nation undermining our domestic steel and iron ore industries. These are essential national security issues.

Our national security begins with domestic security, expressed in a living wage, job security, livable communities, investments in education, health care, and transportation that will ensure a better future for our nation.

The Administration's obsession with Iraq has deflected our national energies from the need to shore up domestic security. We must not allow the pursuit of terrorists at home and abroad, nor vigilance over the threat from Iraq divert our attention from critically urgent domestic priorities.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in support of the Lee amendment. In effect, the Lee amendment says that if there are weapons of mass destruction in Iraq, we must work to seek and destroy these weapons with our allies in the United Nations.

The amendment further indicates that we will not provide our stamp of approval for a unilateral, preemptive strike unless the administration can verify an imminent threat to our Nation.

Why should we change our national policy from being defenders of freedom and democracy to that of first-strike aggressors?

This amendment does not prevent the President from performing his constitutional duties. He is still the commander in chief of this great Nation. However, it is our constitutional duty to declare war. We must not delegate our authority to declare war to the executive branch.

Support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentleman for yielding me this time.

Mr. Speaker, with due respect to the authority of this amendment and the preceding speakers, I really believe that adopting this amendment would be worse for America than taking no action at all. Adopting this amendment would sanction and legitimize the shameful gamesmanship that Saddam Hussein has shown for 11 years. Saddam views diplomacy without force as his personal game without rules.

We cannot, we dare not ignore his history.

Remember, the world builds an Oil for Food program and Saddam Hussein turns it into a way to rebuild his military and to amass personal wealth. The world builds a no-fly zone to protect innocents from Iraqi aggression. Yet Iraqi forces have fired on coalition planes hundreds of times this year alone.

The world demands and Saddam agrees to destroy his biological and chemical weapons. Yet every objective observer says he still has them and he is building more.

The world demands and Iraq agrees to bring in international weapons inspectors, but when they arrive, they are told that thousands of buildings are off limits. They are delayed, they are hassled until they go home in frustration.

Finally, Saddam declares with a smile that he does not support terrorism. Yet every day, including today, we learn more and more about the training, the resources, the protection that Saddam gives al Qaeda and others.

Mr. Speaker, this amendment, with its ambiguous references to negotiation and resumption of weapons inspections, would continue that game. In fact, it would have this House legitimize that game.

The gentlewoman from California speaks of the dangers of war, and she is right. War is very dangerous. But the last 11 years have shown that giving Saddam Hussein diplomatic cover to build weaponry, terrible weaponry, is even more dangerous.

There is a middle path: diplomacy with teeth. It is the underlying resolution that I support. Let us show that we have learned our lessons. As many have said here today and yesterday, and will say later today, the American people are watching what we do. So is the world.

Mr. Speaker, I would suggest to you, so is Saddam Hussein. Let us show Saddam Hussein that the games are over. They will go on no more.

Let us vote against and reject the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, we should support the Lee amendment by giving unfettered, unconditional support for U.N. inspections for disarmament.

Our government has a history of undermining the United Nations and has been particularly bad regarding Iraq. In 1990, we bribed and threatened and punished the Security Council to force a vote endorsing our war. We bribed poor countries with cheap Saudi oil. We bribed China with diplomatic rehabilitation and new development aid.

And we told Yemen, the only Arab country on the Council, that its vote against our war would be ''the most expensive vote you ever cast.'' And then we punished Yemen, the poorest country in the Arab world, with a cutoff of our entire $70 million aid package.

As we try to impose our war again on a reluctant United Nations, I fear that the Yemen precedent is being recalled at the U.N. today. I hope that our friends and our allies who might be considering a different approach in the U.N. will not be intimidated by our unilateral abuse of this multilateral institution.

The President can always call us back, if he is ready. He says he is not ready. He says war is not imminent. So why are we giving him such an order?

Mr. Speaker, I include for the RECORD an article from The Guardian entitled ''The U.S. Has Been Seeking to Prevent a Resolution of the Iraq Crisis for the Past 8 Years.''

[From the Guardian, Oct. 8, 2002]

THE U.S. HAS BEEN SEEKING TO PREVENT A RESOLUTION OF THE IRAQ CRISIS FOR THE PAST EIGHT YEARS

(By George Monbiot)

There is little that those of us who oppose the coming war with Iraq can now do to prevent it. George Bush has staked his credibility on the project; he has mid-term elections to consider, oil supplies to secure and a flagging war on terror to revive. Our voices are as little heeded in the White House as the singing of the birds.

Our role is now, perhaps, confined to the modest but necessary task of demonstrating the withdrawal of our consent, while seeking to undermine the moral confidence which could turn the attack on Iraq into a war against all those states perceived to offend US strategic interests. No task is more urgent than to expose the two astonishing lies contained in George Bush's radio address on Saturday, namely that ''the United States does not desire military conflict, because we know the awful nature of war'' and ''we hope that Iraq complies with the world's demands''. Mr. Bush appears to have done everything in his power to prevent Iraq from complying with the world's demands, while ensuring that military conflict becomes inevitable.

On July 4 this year, Kofi Annan, the secretary-general of the United Nations, began negotiating with Iraq over the return of UN weapons inspectors. Iraq had resisted UN inspections for three and a half years, but now it felt the screw turning, and appeared to be on the point of capitulation. On July 5, the Pentagon leaked its war plan to the New York Times. The US, a Pentagon official revealed, was preparing ''a major air campaign and land invasion'' to ''topple President Saddam Hussein''. The talks immediately collapsed.

Ten days ago, they were about to resume. Hans Blix, the head of the UN inspections body, was due to meet Iraqi officials in Vienna, to discuss the practicalities of re-entering the country. The US Airforce launched bombing raids on Basra, in southern Iraq, destroying a radar system. As the Russian government pointed out, the attack could scarcely have been better designed to scupper the talks. But this time the Iraqis, mindful of the consequences of excluding he inspectors, kept talking. Last Tuesday, they agreed to let the UN back in. The State Department immediately announced, with more candor than elegance, that it would ''go into thwart mode''.

It wasn't bluffing. The following day, it leaked the draft resolution on inspections it was placing before the UN Security Council. This resembles nothing so much as a plan for unopposed invasion. The decision about which sites should be ''inspected'' would no longer be made buy the UN alone, but also by ''any permanent member of the security council'', such as the United States. The people inspecting these sites could also be chosen by the US, and they would enjoy ''unrestricted rights to free, unrestricted and immediate movement'' within Iraq, ''including unrestricted access to presidential sites''. They would be permitted to establish ''regional bases and operating bases throughout Iraq'', where they would be ''accompanied . . . by sufficient U.S. security forces to protect them''. They would have the right to declare exclusion zones, no-fly zones and ''ground and air transit corridors''. They would be allowed to fly and land as many planes, helicopters and surveillance drones in Iraq as they want, to set up ''encrypted communication'' networks and to seize ''any equipment'' they choose to lay hands on.

The resolution, in other words, could not have failed to remind Iraq of the alleged infiltration of the U.N. team in 1996. Both the Iraqi government and the former inspector Scott Ritter maintain that the weapons inspectors were joined that year by CIA covert operations specialists, who used the U.N.'s special access to collect information and encourage the republican guard to launch a coup. On Thursday, Britain and the United States instructed the weapons inspectors not to enter Iraq until the new resolution has been adopted.

As Milan Rai's new book War Plan Iraq documents, the U.S. has been undermining disarmament for years. The U.N.'s principal means of persuasion was paragraph 22 of the security council's resolution 687, which promised that economic sanctions would be lifted once Iraq ceased to possess weapons of mass destruction. But in April 1994, Warren Christopher, the U.S. secretary of state, unilaterally withdrew this promise, removing Iraq's main incentive to comply. Three years later his successor, Madeleine Albright, insisted that sanctions would not be lifted while Saddam remained in power.

The U.S. government maintains that Saddam Hussein expelled the U.N. inspectors from Iraq in 1998, but this is not true. On October 30, 1998, the U.N. rejected a new U.N. proposal by again refusing to lift the oil embargo if Iraq disarmed. On the following day, the Iraqi government announced that it would cease to cooperate with the inspectors. In fact it permitted them to continue working, and over the next six weeks they completed around 300 operations.

On December 14, Richard Butler, the head of the inspection team, published a curiously contradictory report. The body of the report recorded that over the past month ''the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation'', but his well-publicized conclusion was that ''no progress'' has been made. Russia and China accused Butler of bias. On December 15, the U.S. ambassador to the U.N. warned him that his team should leave Iraq for its own safety. Butler pulled out, and on the following day the U.S. started bombing Iraq.

From that point on, Saddam Hussein refused to allow U.N. inspectors to return. At the end of last year, Jose Bustani, the head of the Organization for the Prohibition of Chemical Weapons, proposed a means of resolving the crisis. His organization had not been involved in the messy business of 1998, so he offered to send in his own inspectors, and complete the job the U.N. had almost finished. The U.S. responded by demanding Bustani's dismissal.The other member states agreed to depose him only after the United States threatened to destroy the organization if he stayed. Now Hans Blinx, the head of the new U.N. inspectorate, may also be feeling the heat. On Tuesday he insisted that he would take his orders only from the security council. On Thursday, after an hour-long meeting with U.S. officials, he agreed with the Americans that there should be no inspections until a new resolution had been approved.

For the past eight years the U.S., with Britain's help, appears to have been seeking to prevent a resolution of the crisis in Iraq. It is almost as if Iraq has been kept on ice, as a necessary enemy to be warmed up whenever the occasion demands. Today, as the economy slides and Bin Laden's latest mocking message suggests that the war on terrorism has so far failed, an enemy which can be located and bombed is more necessary than ever. A just war can be pursued only when all peaceful means have been exhausted. In this case, the peaceful means have been averted.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in support of this resolution for several reasons.

First, it retains Congress' constitutional authority and obligation to publicly act on any commitment of American troops or resources to military action. Unlike the other two resolutions before us, it does not endow the President with powers that do not exist in the Constitution.

Secondly, it promotes a multilateral solution to the world's problems. It repudiates the administration's recently announced preemptive doctrine, which would change the United States from a worldwide defender of democracy into a first-strike aggressor on the world stage.

Lastly and most importantly, it does not preclude any further action by Congress, should circumstances change, despite the hand-wringing that has gone on about our inability to deal with future instances.

Of course, the President is free to come back and ask the Congress for action. This is best of the three resolutions before us, and I hope my colleagues will support it.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the Lee amendment and encourage my colleagues to support the amendment.

I have been very disappointed with a number of my colleagues who have suggested to me that the Lee amendment is not viable. I submit to them that

they must not have read what the Lee amendment says.

It simply says that we resolve that the United States should work through the United Nations to seek to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction through mechanisms such as the resumption of weapons inspections, negotiation, inquiry, mediation, regional arrangements and other peaceful means.

This is a peace resolution, a desire to do everything that is reasonably possible through peaceful means before we resort to what is really an unviable option, and that unviable option is war.

I encourage my colleagues to support the amendment to this resolution.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentlewoman from California for yielding time and express the reason that I come to this floor because it is with a heavy heart. I remind my colleagues, as I know all of them are very conscious of, it is a question of life and death. That is why I rise to support the Lee amendment, because I believe it does not preclude the constitutional duties that this Congress has, and that is the singular duty to declare war.

Might I note in her amendment that she specifically notes that Iraq is not in compliance with the United Nations Security Council resolution. She acknowledges that the additional United Nations resolutions on inspections, that they are in noncompliance and that they violate international law. Iraq cease-fire obligations potentially endanger the United States and regional security interests.

We know the dangers of Iraq. But what we also say to this body is that the President of the United States has every authority to be able to protect the United States upon the basis of imminent danger, of immediate danger. But what the President does not have, what we are seeking to do is to give him authority for a first strike without the constitutional obligation of Congress to declare war. I rise to support the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in support of the Lee amendment because it recognizes that in this time of crisis we have the opportunity to pursue a new vision for the world. This vision affirms the character of our Nation and refutes mistaken attempts to use violence to bring about peace. We have been down that road before. It is time to choose a new way. My constituents understand this. They are overwhelmingly opposed to the war. In fact, they wish I had more than one vote today.

A woman from Santa Rosa wrote to a local paper asking, and I quote, what would war with Iraq accomplish? U.S. aggression would only create more homeless and victimized refugees, more hatred of the United States by the rest of the world, and the death of our sons and daughters in the military. She continues: Violence only creates more violence. The United States is the greatest, the most powerful country in the world. We have the opportunity to be leaders of peace.

Mr. Speaker, that is why I support the Lee resolution and oppose authorizing force in Iraq.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, the gentlewoman from California is a woman of courage, a woman of peace. We thank her for her leadership.

I heard the gentleman from Illinois, the chairman, earlier worry about our status as a sovereign Nation if this motion passes. This is a motion which makes our sovereign Nation safer. In the 21st century, the wars against terrorism, those wars require and will require international cooperation. We cannot go it alone in the 21st century. We cannot go it alone in a war against terrorism. We must have the world community with us.

We will be less safe if we do not pass this resolution. America will be less safe if we pass the resolution that the President wants. We dilute our war against terrorism, we increase the possibility of terrorists getting weapons of mass destruction. The al Qaeda I would think would be cheering the passage of the underlying resolution because the instability of the area, for example, in Pakistan would more likely give them a nuclear weapon. Let us work with the international community. Let us work with the United Nations. Let us follow the path of peace. Let us support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. LANTOS), the distinguished ranking member of the Committee on International Relations.

Mr. LANTOS. I want to thank my friend, chairman of the committee, for yielding me this time.

Mr. Speaker, I first want to commend my friend and colleague from California for her active and valuable contribution to the work of the Committee on International Relations and to the work of this House. I appreciate the views of my colleague from California and I share her view that we must exhaust all diplomatic and peaceful means for disarming Saddam Hussein, and we all agree that war can be only our very last resort. Indeed, Mr. Speaker, the joint resolution before us supports the diplomatic process at the United Nations and it requires the President to exhaust all peaceful means before resorting to war. Our distinguished Secretary of State, Colin Powell, is working nonstop at the United Nations to move towards a peaceful and diplomatic resolution of this crisis, and I fully support Secretary Powell's efforts.

However, Mr. Speaker, I strongly believe that our diplomacy will achieve its purpose only if the Iraqi regime knows that a sword of Damocles hangs over its head. Our joint bipartisan resolution represents that statement of resolve.

I am also concerned that my friend's amendment disregards the very serious threat posed by Iraqi sponsorship of international terrorism, clearly a serious danger to the security and safety of the United States.

I am convinced, Mr. Speaker, that the bipartisan and bicameral agreement reached with the White House is approaching a final decision in both the House and the Senate. Our chances of obtaining the support of friends and allies will be dramatically increased by our show of decisiveness and unity in this House. This is not the time to unravel an agreement that is on the verge of ratification. It is for these and many other reasons that I regretfully and respectfully oppose the gentlewoman's amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I am proud to rise in support of the resolution, the amendment by my distinguished colleague and neighbor, the gentlewoman from California. The reason we should support her amendment is very simple. There is absolutely no evidence that any thinking person could give that says we are in any danger from Saddam Hussein today. You are in more danger from the snipers running around in Prince Georges County that we cannot find.

If you vote against the Lee substitute, you are automatically sentencing, some of you old men who have never been in service or never worn a uniform like the last speaker, thousands of Americans to sure death. You know that the President wants blood. He wants to go to war. That is why we are going through this. And so you are giving an inexperienced, desperate young man in the White House the execution lever to kill thousands of Americans. Some of you did that and you could look at the 50,000 names on the wall down on the Mall. And is Vietnam still in business? The last time I looked. Don't do it again. Support the Lee amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time and wanted to say there is a curious suggestion here that the people in the U.N. care more about American

citizens than their own representatives. That seems to be a theme that I am hearing over and over again. Yet, Mr. Speaker, as we debate this, there is also a second suggestion, that this resolution today, well thought of, well debated not just during the course of the summer and the previous months but in fact going back to 1990, that this is something new, that suddenly we have decided that Iraq is a problem.

Mr. Speaker, the Congressional action on Iraq goes back to 1990, to the 101st Congress, the 102nd Congress, 103rd, 104th, 105th, 106th and now 107th, and there are resolutions after resolutions of instruction, of threat, of demands against Iraq and the people because of the repression they had. That is just the United States Congress, Mr. Speaker. Then let us go to the U.N. itself.

Keep in mind America is a sovereign Nation. Unlike the supporters of this amendment, I do not believe that we need to have the U.N.'s permission to defend our own national interests. That is what nations do. We cannot get mad at Germany or France if they do not stand up for something that is not in their national interest. But I do not think the U.N. should interfere with something that is in our national interest, because this attack, this terrorist attack that we are suffering from, 9–11, happened in the United States of America.

But, Mr. Speaker, let us also think about Kosovo. This Congress agreed for President Clinton to bomb Kosovo because of repression of the Muslim population by the largely Christian population, and we in America sided with the Muslims. And President Clinton, I do not know how the supporters of this amendment voted on that, but he did not sit around and say, ''I'd like to take some action in Kosovo. Gee whiz, what would the U.N. say?'' I did not hear that cry and hue from the supporters of this amendment at that time. But if we were to go to the U.N., going back to U.N. Resolution 660, violated; U.N. Resolution 678 on November 1990; Resolution 686 in March 1991; Resolution 687, April 1991; Resolution 688, April 1991; Resolution 707, August 15, 1991; October 11, 1991, Resolution 715.

Mr. Speaker, the list goes on and on and on. I would like to submit these for the RECORD. But the reality is that the U.N. has been calling for Iraq to act and to comply and to discontinue certain activities which they have flagrantly ignored. It is not time to go back to the U.N. for one more resolution. If the U.N. was going to act, they would have done it. They have had countless opportunities since 1991.

Mr. Speaker, we have not had weapons inspectors in Iraq since 1998. The minimum agreement here between the hawks and the doves, if you will, is that Iraq has chemical and biological weapons and is near nuclear capability. The minimum agreement is they are anti-American, they are dangerous, they are a barbaric regime. The minimum agreement, they have violated 16 U.N. resolutions.

Mr. Speaker, the time to act is now, not waiting on the U.N.

Mr. Speaker, I include the following material for the RECORD:

[From the Congressional Research Service, Oct. 1, 2002]

CONGRESSIONAL ACTION ON IRAQ 1990–2002: A COMPILATION OF LEGISLATION

(By Jeremy M. Sharp)

SUMMARY

This report is a compilation of legislation on Iraq from 1990 to the present. The list is composed of resolutions and public laws relating to military action and/or diplomatic pressure to be taken against Iraq. The list does not include foreign aid appropriations bills passed since FY 1994 that deny U.S. funds to any nation in violation of the United Nations sanctions regime against Iraq. Also, measures that were not passed only in either the House or the Senate are not included (with the exception of the proposals in the 107th Congress). For a more in-depth analysis of U.S. action against Iraq, see CRS Issue Brief IB92117, Iraq, Compliance, Sanctions and U.S. Policy. This report will be updated as developments unfold.

CONGRESSIONAL ACTION ON IRAQ 1990–2002

101st Congress

House

H. Con. Res. 382: Expressed the sense of the Congress that the crisis created by Iraq's invasion and occupation of Kuwait must be addressed and resolved on its own terms separately from other conflicts in the region. Passed in the House: October 23, 1990.

H. J. Res. 658: Supported the actions taken by the President with respect to Iraqi aggression against Kuwait and confirmed United States resolve. Passed in the House: October 1, 1990.

Senate

S. Res. 318: Commended the President for his actions taken against Iraq and called for the withdrawal of Iraqi forces from Kuwait, the freezing of Iraqi assets, the cessation of all arms shipments to Iraq, and the imposition of sanctions against Iraq. Passed in the Senate: August 2, 1990.

Public Laws

P.L. 101–509: (H.R. 5241). Treasury, Postal Service, and General Government Appropriations Act FY 1991 (Section 630). Urged the President to ensure that coalition allies were sharing the burden of collective defense and contributing financially to the war effort. Became public law: November 5, 1990.

P.L. 101–510: (H.R. 4739). Defense Authorization Act FY 1991 (Section 1458). Empowered the President to prohibit any and all products of a foreign nation which has violated the economic sanctions against Iraq. Became public law: November 5, 1990.

P.L. 101–513: (H.R. 5114). The Iraq Sanctions Act of 1990 (Section 586). Imposed a trade embargo on Iraq and called for the imposition and enforcement of multilateral sanctions in accordance with United Nations Security Council Resolutions. Became public law: November 5, 1990.

P.L. 101–515: (H.R. 5021). Department of Commerce, Justice, and State Appropriations Act FY 1991 (Section 608 a & b). Restricted the use of funds to approve the licensing for export of any supercomputer to any country whose government is assisting Iraq develop its ballistic missile program, or chemical, biological, and nuclear weapons capability. Became public law: November 5, 1990.

102nd Congress

Public Laws

P.L. 102–1: (H.J. Res. 77). Authorization for Use of Military Force Against Iraq Resolution. Gave Congressional authorization to expel Iraq from Kuwait in accordance with United Nations Security Council Resolution 678, which called for the implementation of eleven previous Security Council Resolutions. Became public law: January 12, 1991.

P.L. 102–138: (H.R. 1415). The Foreign Relations Authorization Act for FY 1992 (Section 301). Stated that the President should propose to the Security Council that members of the Iraqi regime be put on trial for war crimes. Became public law: October 28, 1991.

P.L. 102–190: (H.R. 2100). Defense Authorization Act for FY1992 (Section 1095). Supported the use of ''all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (P.L. 102–1).'' Became public law: December 5, 1991.

103rd Congress

Public Laws

P.L. 103–160: (H.R. 2401). Defense Authorization Act FY 1994 (Section 1164). Denied defectors of the Iraqi military entry into the United States unless those persons had assisted U.S. or coalition forces and had not committed any war crimes. Became public law: November 30, 1993.

P.L. 103–236: (H.R. 2333). Foreign Relations Authorization Act FY 1994, 1995 (Section 507). Expressed the sense of Congress that the United States should continue to advocate the maintenance of Iraq's territorial integrity and the transition to a unified, democratic Iraq. Became public law: April 30, 1994.

104th Congress

House

H. Res. 120: Urged the President to take ''all appropriate action'' to secure the release and safe exit from Iraq of American citizens William Barloon and David Daliberti, who had mistakenly crossed Iraq's border and were detained. Passed in the House: April 3, 1995.

Senate

S. Res. 288: Commended the military action taken by the United States following U.S. air strikes in northern Iraq against Iraqi radar and air defense installations. This action was taken during the brief Kurdish civil war in 1996. Passed in the Senate: September 5, 1996.

105th Congress

House

H. Res. 322: Supported the pursuit of peaceful and diplomatic efforts in seeking Iraqi compliance with United Nations Security Council Resolutions regarding the destruction of Iraq's capability to deliver and produce weapons of mass destruction. However, if such efforts fail, ''multilateral military action or unilateral military action should be taken.'' Passed in the House: November 13, 1997.

H. Res. 612: Reaffirmed that it should be the policy of the United States to support efforts to remove the regime of Saddam Hussein in Iraq and to promote the emergence of a democratic government to replace that regime. Passed in the House: December 17, 1998.

H. Con. Res. 137: Expressed concern for the urgent need of a criminal tribunal to try members of the Iraqi regime for war crimes. Passed in the House: January 27, 1998.

Senate

S. Con. Res. 78: Called for the indictment of Saddam Hussein for war crimes. Passed in the Senate: March 13, 1998.

Public Laws

P.L. 105–174: (H.R. 3579). 1998 Supplemental Appropriations and Rescissions Act (Section 17). Expressed the sense of Congress that none of the funds appropriated or otherwise

made available by this act be used for the conduct of offensive operations by the United States Armed Forces against Iraq for the purpose of enforcing compliance with United Nations Security Council Resolutions, unless such operations are specifically authorized by a law enacted after the date of the enactment of this act. Became public law: May 1, 1998.

P.L. 105–235: (S.J. Res. 54). Iraqi Breach of International Obligations. Declared that by evicting weapons inspectors, Iraq was in ''material breach'' of its cease-fire agreement. Urged the President to take ''appropriate action in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.'' Became public law: August 14, 1998.

P.L. 105–338 (H.R. 4655): Iraq Liberation Act of 1988 (Section 586). Declared that it should be the policy of the United States to ''support efforts'' to remove Saddam Hussein from power in Iraq and replace him with a democratic government. Authorized the President to provide the Iraqi democratic opposition with assistance for radio and television broadcasting, defense articles and military training, and humanitarian assistance. Became public law: October 31, 1998.

107th Congress

House

H.J. Res. 75: Stated that Iraq's refusal to allow weapons inspectors was a material breach of its international obligations and constituted ''a mounting threat to the United States, its friends and allies, and international peace and security.'' Passed in the House: December 20, 2001.

Senate

S. 1170 (H.R. 4): Would prohibit the direct or indirect importation of Iraqi-origin petroleum into the United States, notwithstanding action by the Committee established by United Nations Security Council Resolution 661 authorizing the export of petroleum products from Iraq in exchange for humanitarian assistance. Last major action: July 12, 2001 (Referred to Senate Committee on Finance).

S. Con. Res. 133: Expresses the sense of Congress that ''the United States should not use force against Iraq, outside of the existing rules of engagement, without specific statutory authorization or a declaration of war under Article I, Section 8, Clause 11 of the Constitution of the United States.'' Last major action: July 30, 2002 (Referred to Senate Committee on Foreign Relations).

S.J. Res. 41: Calls for the ''consideration and vote on a resolution for the use of force of the United States against Iraq before such force is deployed.'' Last major action: July 18, 2002 (Referred to Senate Committee on Foreign Relations).

UNSCR 678—NOVEMBER 29, 1990—VIOLATED!

Iraq must comply fully with UNSCR 660 (regarding Iraq's illegal invasion of Kuwait) ''and all subsequent relevant resolutions.''

Authorizes UN Member States ''to use all necessary means to uphold and implement resolution 660 and all subsequent relevant resolutions and to restore international peace and security in the area.''

UNSCR 686—MARCH 3, 1991—VIOLATED!

Iraq must release prisoners detained during the Gulf War.

Iraq must return Kuwaiti property seized during the Gulf War.

Iraq must accept liability under international law for damages from its illegal invasion of Kuwait.

UNSCR 687—APRIL 3, 1991—VIOLATED!

Iraq must ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' of all ''chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities.''

Iraq must ''unconditionally agree not acquire or develop nuclear weapons or nuclear-weapons-usable material'' or any research, development or manufacturing facilities.

Iraq must ''unconditionally accept'' the destruction, removal or rendering harmless ''under international supervision'' of all ''ballistic missiles with a range greater than 150 KM and related major parts and repair and production facilities.''

Iraq must not ''use, develop, construct or acquire'' any weapons of mass destruction.

Iraq must reaffirm its obligations under the Nuclear Non-Proliferation Treaty.

Creates the United Nations Special Commission (UNSCOM) to verify the elimination of Iraq's chemical and biological weapons programs and mandated that the International Atomic Energy Agency (IAEA) verify elimination of Iraq's nuclear weapons program.

Iraq must declare fully its weapons of mass destruction programs.

Iraq must not commit or support terrorism, or allow terrorist organizations to operate in Iraq.

Iraq must cooperate in accounting for the missing and dead Kuwaitis and others.

Iraq must return Kuwaiti property seized during the Gulf War.

UNSCR 688—APRIL 5, 1991—VIOLATED!

''Condemns'' repression of Iraqi civilian population, ''the consequences of which threaten international peace and security.''

Iraq must immediately end repression of its civilian population.

Iraq must allow immediate access to international humanitarian organizations to those in need of assistance.

UNSCR 707—AUGUST 15, 1991—VIOLATED!

''Condemns'' Iraq's ''serious violation'' of UNSCR 687.

''Further condemns'' Iraq's noncompliance with IAEA and its obligations under the Nuclear Non-Proliferation Treaty.

Iraq must halt nuclear activities of all kinds until the Security Council deems Iraq in full compliance.

Iraq must make a full, final and complete disclosure of all aspects of its weapons of mass destruction and missile programs.

Iraq must allow UN and IAEA inspectors immediate, unconditional and unrestricted access.

Iraq must cease attempts to conceal or move weapons of mass destruction, and related materials and facilities.

Iraq must allow U.N. and IAEA inspectors to conduct inspection flights throughout Iraq.

Iraq must provide transportation, medical and logistical support for U.N. and IAEA inspectors.

UNSCR 715—OCTOBER 11, 1991—VIOLATED!

Iraq must cooperate fully with U.N. and IAEA inspectors.

UNSCR 949—OCTOBER 15, 1994—VIOLATED!

''Condemns'' Iraq's recent military deployments toward Kuwait.

Iraq must not utilize its military or other forces in a hostile manner to threaten its neighbors or U.N. operations in Iraq.

Iraq must cooperate fully with U.N. weapons inspectors.

Iraq must not enhance its military capability in southern Iraq.

UNSCR 1051—MARCH 27, 1996—VIOLATED!

Iraq must report shipments of dual-use items related to weapons of mass destruction to the U.N. and IAEA.

Iraq must cooperate fully with U.N. and IAEA inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1060—JUNE 12, 1996—VIOLATED!

''Deplores'' Iraq's refusal to allow access to U.N. inspectors and Iraq's ''clear violations'' of previous U.N. resolutions.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1115—JUNE 21, 1997—VIOLATED!

''Condemns repeated refusal of Iraqi authorities to allow access'' to U.N. inspectors, which constitutes a ''clear and flagrant violation'' of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1134—OCTOBER 23, 1997—VIOLATED!

''Condemns repeated refusal of Iraqi authorities to allow access'' to U.N. inspectors, which constitutes a ''flagrant violation'' of UNSCR 687, 707, 715, and 1060.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

Iraq must give immediate, unconditional and unrestricted access to Iraqi officials whom U.N. inspectors want to interview.

UNSCR 1137—NOVEMBER 12, 1997—VIOLATED!

''Condemns the continued violations by Iraq'' of previous U.N. resolutions, including its ''implicit threat to the safety of'' aircraft operated by U.N. inspectors and its tampering with U.N. inspector monitoring equipment.

Reaffirms Iraq's responsibility to ensure the safety of U.N. inspectors.

Iraq must cooperate fully with U.N. weapons inspectors and allow immediate, unconditional and unrestricted access.

UNSCR 1154—MARCH 2, 1998—VIOLATED!

Iraq must cooperate fully with U.N. and IAEA weapons inspectors and allow immediate, unconditional and unrestricted access, and notes that any violation would have the ''severest consequences for Iraq.''

UNSCR 1194—SEPTEMBER 9, 1998—VIOLATED!

''Condemns the decision by Iraq of 5 August 1998 to suspend cooperation with'' U.N. and IAEA inspectors, which constitutes ''a totally unacceptable contravention'' of its obligations under UNSCR 687, 707, 715, 1060, 1115, and 1154.

Iraq must cooperate fully with U.N. and IAEA weapons inspectors, and allow immediate, unconditional and unrestricted access.

UNSCR 1205—NOVEMBER 5, 1998—VIOLATED!

''Condemns the decision by Iraq of 31 October 1998 to cease cooperation'' with U.N. inspectors as ''a flagrant violation'' of UNSCR 687 and other resolutions.

Iraq must provide ''immediate, complete and unconditional cooperation'' with U.N. and IAEA inspectors.

UNSCR 1284—DECEMBER 17, 1999—VIOLATED!

Created the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC) to replace previous weapon inspection team (UNSCOM).

Iraq must allow UNMOVIC ''immediate, unconditional and unrestricted access'' to Iraqi officials and facilities.

Iraq must fulfill its commitment to return Gulf War prisoners.

Calls on Iraq to distribute humanitarian goods and medical supplies to its people and address the needs of vulnerable Iraqis without discrimination.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, give the United Nations inspectors a chance. That is what the Lee amendment asks.

What does it do? It sets out the potential threat posed by Iraq. She says that there are dangers and that we must eliminate these weapons of mass destruction. But it gives the United Nations inspectors a process to go through diplomatically. It rejects the idea, though, of a unilateral, preemptive first strike in the absence of a verified imminent threat to the United States.

What it does not do, it does not limit the President's authority if we are in danger of a verified, imminent threat. It does not preclude pursuing other paths such as those proposed by the gentleman from South Carolina (Mr. SPRATT).

Let us make it clear, the Lee amendment simply says, let us push for peace, let us destroy those weapons of mass destruction if they are there; and we think they are, but let us give diplomacy a chance. Let us not be preemptive. Let us not use first strike. Let us try to see if, with our power, we can have peace through power.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise today in support of the amendment being offered by the gentlewoman from California entitled The Alternative to War. It could not be more aptly named. It seeks to commit the United States to fully engaging the diplomatic processes and to work multilaterally through the United Nations to achieve unfettered inspections of Iraq's chemical, biological and nuclear weapons capabilities, disarm and, indeed, dismantle.

There is no one in this Chamber who does not believe that the world would be better off without Saddam Hussein. But the President has not made a convincing case that the Hussein regime in Iraq indeed poses an immediate threat. In fact, our own intelligence experts tell us that the most likely threat of the use of such weapons of mass destruction by Iraq would occur if the United States invaded Iraq.

What that suggests is that we should not be authorizing the President to act unilaterally, sending our brave young men and women into harm's way. Indeed, the President has most recently said that war should be the last resort.

This amendment certainly puts peace first and puts war as a last resort. Support this amendment to the resolution.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, it will reward us to read the resolution we are being asked to vote upon. It is self-refuting. This resolution would have this Congress find that Iraq and Saddam Hussein unconditionally accepted U.N. Security Council Resolution 687, their obligation to destroy their chemical and biological weapons. That was unconditional.

The resolution has us find that Iraq unconditionally accepted its obligation not to proceed with the development of nuclear weapons. The resolution has us find that Iraq agreed to immediate and unconditional inspections.

The resolution goes on to have us find that Iraq has failed to comply with these obligations over a period of more than a decade. The resolution has us find that Iraq obstructed the inspectors and ultimately expelled them in 1998.

Finally, the resolution has us find that this noncompliance with the United Nations Security Council resolutions, including specifically Resolution 687, quote, ''endangers U.S. security.''

That is the preamble in this resolution. That is the predicate. Then what would the resolution have us do? Pass yet one more U.N. resolution which, by its terms, lacks enforcement. Only a U.N. resolution that lacks enforcement would be acceptable if we were to pass the resolution that is before us.

What have we learned in 11 years? Surely, without at least the threat of military force, we will get exactly the same result that we have had 16 times in a row. There is a cost, indeed a much heavier cost of doing nothing, of temporizing, of adding a 17th, toothless U.N. resolution to the 16 that Saddam Hussein has already violated.

And to the charge that what we are doing is unilateral, we must say, we have already earned the cooperation of Britain, Turkey, Canada, Poland, Romania, Israel, Bulgaria, Australia, Singapore, Japan and others. If we vote to deny the President of the United States the backing of this Congress at this moment and think that then he can win the support of other nations, we are delusional.

All of us must surely hope that the United Nations passes its next resolution, that Saddam Hussein will, this time, finally see reason and disarm. But as the proverb says, He who lives only by hope will die in despair.

My colleagues, let us unite hope with reason and practicality and a willingness to act. Let us defeat this resolution.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I rise in support of the Lee amendment.

What is our goal? Our goal is to end the threat of Iraq's weapons of mass destruction through comprehensive and unfettered inspections and disable their ability to develop or deliver them.

How do we get there? Until the Lee amendment, most suggested, with a military stick. I think a carrot is more likely to succeed.

What carrot? The carrot of lifting economic sanctions on Iraq in exchange for comprehensive and unfettered inspections. Offering to lift economic sanctions in exchange for unfettered inspections will rally support within Iraq and among our allies.

This positive incentive to get Iraq to comply has not and is currently not being offered by the Congress of the United States. But until we make this overture and change our policy of only lifting economic sanctions after a regime change, we will not have exhausted all peaceful means and alternatives to force.

Give peace a chance, Mr. Speaker. Nonviolence, negotiations and inspections deserve a chance. Lift economic sanctions on the people of Iraq in exchange for unfettered inspections in Iraq. It will gain support within Iraq and amongst our allies.

I thank the gentlewoman for offering the amendment.

Ms. LEE. Mr. Speaker, I yield 10 seconds to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the Lee amendment which would give the U.N. inspections process and multilateral diplomacy time and opportunity to work.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the resolution before the House without the Lee amendment takes this country and the world on a dangerous and potentially tragic course.

It is so, first of all, because the resolution violates our own Constitution because it devolves war-making authority from the Congress to the executive branch. It also puts us in violation of our commitments to the United Nations.

But fundamentally it puts us on a dangerous and potentially tragic course because if we follow the resolution, if that resolution is prosecuted by the administration and attacks Iraq unilaterally, that action will galvanize the most fundamental, radical elements of Islam.

It strengthens Wahhabism and it will bring to their cause tens of thousands of new recruits who are prepared to wage war against this country in the way it was waged on September 11 of last year. That will be the end result of the passage and prosecution of the resolution, absent the Lee amendment.

We must pass this amendment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in opposition to this amendment. I rise as an educator, a teacher who for 7 years spent my time in the schools of Pennsylvania, someone who desperately does not want to see war occur.

But I also understand, Mr. Speaker, that contrary to what we are hearing on the other side, there are times when you have to stand up and you have to be bold and you have to lay down a marker.

The reason I ran for public office in the first place was that my hometown of 5,000 people had become overwhelmed by the Pagans motorcycle gang. Sixty-five of them lived in my neighborhood; all of their drug dealing was controlled from my town. If I listened to the other side, maybe to solve the problem, I should have got them all in a circle, held hands and we should have sang Kum Bay Yah. The problem is, the Pagans do not want to sing Kum Bay Yah. The Pagans do not deal in reality. The Pagans were only concerned with harming people and selling their drugs.

□ 1000

Saddam Hussein is a pagan. Saddam Hussein does not want to deal in realistic terms. We need to give the President the authority to rally the world opinion and the U.N. to follow through on not just the inspections but on disarming weapons of mass destruction.

I would say to my colleagues on the other side where were they during the 1990s when 37 times, 37 times, we had evidence of technology being transferred from Russia and China to Iraq and Iran? Where were they when the administration then only imposed sanctions four times? Where were they when nine times we saw chemical and biological technology being transferred into Iraq and Iran and we sat on our hands? Where were they?

Where were they in 1995 when we caught these going from Russia to Iraq? These are guidance systems for missiles, a violation of the NTCR. Because Clinton did not want to embarrass Yeltsin we never imposed the required sanctions.

Mr. Speaker, this did not just happen. This technology has been flowing for years. Now we have Saddam equipped with chemical and biological and potentially nuclear capability. He has missiles which he has now enhanced, the same missile that sent 28 young Americans home in body bags in 1991.

Mr. Speaker, everyone wants peace. No one wants war, but there are times where we have to stand up and we have to lay down a marker and back it up with force just as I had to do as a teacher when I ran for mayor and became mayor of my hometown. The pagans did not want to listen to reason. The pagans did not want to respond to what was in the best interests of the citizens. If I had listened to the other side, somehow I would come together and somehow convince them to change their ways, and that did not happen. We fought them with force and we won, and today my hometown is prospering because the pagans no longer have their residence there.

We have to stand together and show the world with the support of this President that we will stand up to the aggression of Saddam, we will stand up to his use of chemical agents on his people, we will stand up to his potential use of biological weapons, and we will lay the foundation for a more peaceful world where the Iraqi people can enjoy the benefits of a new government.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, this alternative offers a nonviolent and diplomatic way to wage the peace. We should be serious about this process of waging the peace with U.N. inspections. We should not take a bargain basement approach to U.N. inspections. We are willing to talk casually about spending billions of dollars for war. Let us spend what we need to have these U.N. inspections be credible.

I refer my colleagues to Nightline of last night, Wednesday, October 9, where the inspection process was presented in a way which ridiculed it and showed that a handful of inspectors, scientists and college professors were bullied and harassed and we sent the wrong signal to Saddam Hussein about inspections. Let us have inspections, let us pursue the diplomatic and the nonviolent alternative with the same vigor and seriousness that we will pursue a violent alternative.

Let us have full administrative support, full logistical support, transportation, everything the inspectors need to go in and conduct large numbers of inspections all over Iraq at the same time and have a chain of command that goes right to the Security Council.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, first of all, I want to compliment the gentlewoman from California for all of her leadership on this issue.

One of the prior speakers asked where we were in 1991 and pulled out all these examples of what war was all about. I do not know where he was in 1991, but in 1991 I was back being a prosecutor in Cuyahoga County, but had I been here I would have said let us push and continue to push to reach a resolution and a peaceful resolution.

I am not going to down anybody for their religion. I happen to be Baptist. I happen to be a Protestant, but whatever it is people are we all are a part of this world, and in this United States we talk about freedom of religion and our entitlement to be whoever we are, but all of us want peace, and if we are the big bully, if we are the big dog on the street, then we can afford to be the big dog and sit back and say come on to the table, let us use all of our resources.

I question whether or not the United States has, in fact, in many instances, put all of its power to the U.N. to allow the U.N. to be as strong as it should be. Support the Lee amendment.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California for yielding me the time.

For 40 years our policy was to contain and deter Joseph Stalin and the Soviets, to detain and deter Fidel Castro and the Cubans, to detain and deter and restrain Communist aggression by the Chinese, always without invasion. We were able to detain and deter the Soviets and the Chinese and the Communists in Cuba without invasion, but if we go first strike into Iraq the message to the world and to Putin is he can go into Georgia and chase down the Chechnyan rebels and the message to China is they can go into Taiwan and they can come down harder on Tibet and the message to the Pakistanis and the Indians is they can go into Kashmir, maybe even with their nuclear weapons.

Mr. President, go slow. Mr. President, we need aggressive, unfettered inspections in Iraq, complete, thorough, aggressive, unfettered inspections. Then go back to the United Nations. War should be a last resort.

Mr. Speaker, I support the Lee amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). The Chair reminds Members to address the Chair in their remarks and not directly the President when addressing the House.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding me the time.

Mr. Speaker, last evening we completed the work on the Defense appropriations bill. That measure is designed to provide the funding whereby America is able to carry forward its responsibility in the world as the force for peace in our world. I am very pleased with the results of that bill, and while we were not discussing this with the other body yesterday, I could not help but from time to time watch the discussions of this measure on the floor.

This resolution is a very, very important statement by the American Congress. It has been crafted by some of the most capable people in both of our bodies, and I want to congratulate the chairman, as well as others who have been so involved.

I could not help but come to the floor as I watched this discussion begin regarding some substitutes for this resolution. I must say, Mr. Speaker, it is most important that we reject those alternatives for the resolution is designed simply to give our Commander-in-Chief some flexibility as he goes forward in projecting our responsibilities for peace in the world.

Indeed, there are those who presume that this automatically means a war in Iraq. This resolution does not automatically take us to war. As a matter of fact, it is a tool for the Commander-in-Chief to indeed go forth with those efforts that are most important in terms of our future hopes for peace.

There is little doubt that America focused again upon the importance of our strength as a result of 9/11 just 1 year ago. There is little doubt that the world understands that a strong America is very important for peace.

I would suggest to my colleagues that the one thing that we could do to undermine that strength is to pass a resolution like this one that is before us at this moment. Indeed, my colleagues, there is much discussion about what the Commander-in-Chief has not done. In the past, there was a lot of discussion about the fact that perhaps his advisers were not as good as some would like.

We look at the Vice President, we look at the Secretary of State, we look at the Secretary of Defense. The community not so long ago was amazed at how great their strength might be. Do we presume that they have not been giving advice and counsel to the Commander-in-Chief?

Indeed, I believe they have a plan that will strengthen our ability to be a force in the world for the good.

Resolutions like this will take us exactly in the opposite direction. Let us not by actions today undermine the President's ability to lead.

At the same time, let me say that most of my colleagues know that I am a strong believer in a bipartisan force in this House. Let us not as a result of these votes today have one of our parties be the party working with the President for peace and have the other party be the party of the United Nations.

Ms. LEE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Lee amendment and commend my colleague from California for all of her work on behalf of this peaceful effort to resolve this issue.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that he who lives by the sword shall eventually die by the sword.

The first call that I got this morning was from a woman named Barbara Mullarkey who said, ''Danny, vote for peace.''

I rise in strong support of the Lee amendment because it gives me the opportunity to vote the will of the people in my Congressional district who do not believe that we have made the case to go to war. The President has all of the flexibility that he needs to protect us. What he does not have is the flexibility to declare war. That flexibility is left to this Congress.

Vote for the Lee amendment. Vote for peace.

Ms. LEE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I rise in support of the Lee amendment, and I am really surprised after listening to the debate for the last 17 hours why anybody would attack it. Indeed, the Lee amendment and the Lee resolution is the same as what the President has in his resolution if we see in section 2 where the President urges the support of the United States diplomatic efforts to strictly enforce through the United Nations, to obtain prompt and decisive action by the Security Council in the United Nations, that essentially this is the same thing that the Lee amendment does.

It seems to me that anybody who can support the President's amendment ought to support the Lee amendment. What the Lee amendment does not do is it does not leap before it looks. It says look before we leap into war, and I think the message here is very strong, that if the United States is going to leap into war before it looks. What kind of trust are we going to have with the rest of the arrangements around the world with the agreements we have had on treaties and trade treaties? What is going to happen to people who are traveling in the country? Is anybody going to be able to trust our country because we can say, well, if we do not like something we can go it alone?

It is very wise to support the Lee amendment. It is a good look before we leap.

PARLIAMENTARY INQUIRY

Ms. LEE. Mr. Speaker, a parliamentary inquiry. I understand the gentleman from Illinois (Mr. HYDE) has the right to close?

The SPEAKER pro tempore (Mr. BONILLA). That is correct.

Ms. LEE. Mr. Speaker, I yield myself the remaining time.

My alternative gives the United Nations a chance to do its job while we think through the ramifications of our actions, how many lives would be lost, what will this cost our economy. It provides a very pragmatic opportunity to step back and explain to the American people the implications of authorizing a war. It will give us an opportunity to explain to the American people what our own intelligence agency means, and let me quote this, ''Our intelligence agency says should Saddam conclude that a U.S.-led attack could no longer be deterred, the probability would become much less constrained in adopting terrorist action.''

Our action today could cause a reaction of catastrophic proportions, not only in terms of Saddam Hussein but in the destabilization of the Middle East and the setting of a dangerous precedent.

I plead with my colleagues to oppose this rush to war. It is morally wrong, it is financially irresponsible, and it is not in our national security interest. We must wait, we must ask these questions, we must know what the economic impact is. We must know what this does in terms of the loss of lives of our young men and women.

This is a day that we must urge reflection. We must urge this body to become attentive to the unanswered questions that are out there. If our own intelligence agencies say to us that authorizing the President's resolution to go to war; that is, supporting that effort to wage war, could be a provocative act against our country, that it could destabilize the region, that it could lead to possible terrorist action, that is very terrifying, Mr. Speaker.

□ 1015

I believe that the House of Representatives must say no to establishing this dangerous precedent. We must not rush to war. We must give the United Nations time to do its work. Inspections worked in the 1990s. We must use the time that the United Nations needs, use that time for us to think through, to debate, and to be truthful to the American people. They deserve it. We need to be truthful with them as to what the cost of this rush to war would mean.

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

Mr. HYDE. Mr. Speaker, I am pleased to yield the balance of my time to the distinguished gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in strong opposition to the Lee amendment. This amendment is another abdication of the United States' leadership in the world. It is tantamount to saying that Congress should contract out decisions on national security to foreign governments: Paris, Beijing, Damascus.

The United Nations is not an autonomous authority. It is a place to conduct diplomacy between nations. Our Nation's security and sovereignty are inextricably intertwined. We do not subrogate our sovereignty to the United Nations. The United States, as the sole remaining superpower, must have a policy of restraint to international conflict management, but we

never give up our ability to act unilaterally in the world if we must move into a region to bring stability.

This amendment ties the hands of the Commander-in-Chief. We should never, ever do that. The President has spoken prudently, talking about bilateral action, meaning bringing other nations with us. Those who have been speaking here for the last hour in support of this amendment have been talking as if the United States is somehow wanting to unilaterally march off to war. They use the phrase ''give peace a chance.''

Mr. Speaker, we are the peaceful Nation. We want to work cooperatively with other nations around the world, and that is what the President is going to do. So when my colleagues say ''give peace a chance,'' it has been 10 years. We have these 16 U.N. resolutions. Let us go back into this regime of the United Nations and weapons inspections. When we look at that, the U.N. was and is hesitant to back up the violations of these 16 U.N. resolutions. Their response has been tepid.

Also, I would ask my colleagues to look with regard to how the inspectors were undermined, as Iraq would appeal directly to the sympathetic Council members and to the Secretary General. Iraq worked consistently to erode the credibility and the positions of these U.N. inspectors over the last 10 years. They would complain to the Security Council, and then the challenges of the claims of the weapons inspectors would suffice. Unfettered access was strictly a myth. Respect for Iraqi concerns relating to national security, sovereignty and dignity took precedence over the findings and destroying of Saddam's weapons of mass destruction programs. Effectively, the actions of the Secretary General, when he intervened, made the Iraqis and the inspectors equal in presenting their case before the Security Council.

With regard to Saddam Hussein's motive for having weapons of mass destruction, he believes that they are vital to his power. The regime has two experiences in which it feels its very survival is linked to the possession of weapons of mass destruction. Deputy Prime Minister Tariq Aziz pointed out that hitting cities deep in Iran during the Iran-Iraq war with long-range missiles and countering human wave attacks with the massive use of chemical munitions saved Iraq in the Iran-Iraq war. Moreover, Baghdad believes that its possession of biological and chemical weapons during the 1991 Gulf War helped deter the United States from marching on to Baghdad.

Now, that is their dimension. That is their understanding. So Saddam will do everything he possibly can to maintain a stockpile of weapons of mass destruction. So this thing about give peace a chance, well, we have given peace a chance. The President has also used words of saying that military force will be the means of last resort.

So I think the President has been very clear. We will show the United States has the resolve and power to stand up against Iraq, seek their compliance, force their word in their violations of the cease-fire; but if they do not, then the world will act and disarm Saddam Hussein and change the regime, if necessary, to bring peace and stability to the Middle East as a region.

We should vote down the Lee amendment and support the sovereignty and national dignity of this country.

Ms. BROWN of Florida. Mr. Speaker, I stand in strong support today of the Lee substitute, which I urge my colleagues to vote in favor of. I wholeheartedly support the principles of this substitute, and believe they contain a much more humane answer to the grave issue of Iraq.

Like Congresswoman BARBARA LEE I urge the United States to re-engage in the diplomatic process of diplomacy. I also would like to urge our country to remain committed to the UN inspector process. I am also in complete agreement with the Lee substitute's premise that there will likely be horrific consequences of our actions if the United States delivers a first strike against Iraq, particularly without the support of the United Nations.

Like Congresswoman LEE and many of my colleagues in the Congressional Black Caucus, I stand in strong opposition to a unilateral first strike by the U.S. without a clearly demonstrated and imminent threat of attack on the United States. I would also like to emphasize that I categorically believe that we must not declare war until every diplomatic option is completely exhausted. The Bush Resolution authorizes the potential use of force immediately, long before diplomatic options have been exhausted or even fully explored. Furthermore, a unilateral first-strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region and undermine the ability of our nation to address unmet domestic priorities.

The President is asking Congress to give him a blank check. And I say today Mr. President, that your account, has come back overdrawn. This blank check gives him too much power. A blank check that forces Congress to waive its constitutional duty to declare war. A blank check that lets the President declare war, and not consult Congress until 48 hours after the attack has begun.

Not only has the President economically taken us to deficit, but there is deficit in his arguments. Why Iraq, and why today??

You know, in my 10 years of serving in Congress, this is the most serious vote I've taken. And I have to say, the Resolution on Iraq the White House drafted is intentionally misleading. It misleads the American public, the international community, and yes, even the United States Congress.

This is a sad day. Almost as sad as it was 627 days ago when the Supreme Court selected George W. Bush as the President. You know, the White House talks about dictators, but we haven't done anything to correct what has happened right here in the United States. It amazes me that we question other governments, when in our own country, we did not have a fair election.

I recently traveled to Russia, China, and South Korea, and believe it would be most unfortunate to damage the good will our nation was receiving after September 11th because of the Bush Administration's reckless actions. We are on our own; NO ONE in the international community is behind us.

I have not seen any new information demonstrating that Iraq poses a threat to our country any more now than it did ten years ago, and certainly am without reason to believe we should attack unilaterally, without the support of the U.N.

In fact, recent poll numbers released suggest that many Americans do not support the way the President is handling the situation with Iraq either. Indeed, polls indicates what I imagined all along; namely, that a majority of Americans believe President Bush and Congress are spending too much time discussing Iraq, while neglecting domestic problems like health care and education. Many also said that they did not want the United States to act without support from allies and by a two to one margin, did not want the U.S. to act before U.N. weapons inspectors had an opportunity to enter Iraq and conduct further investigations.

Although the Administration is attempting to convince the American public otherwise, they have shown me little evidence of a connection between Iraq and 9–11. And little evidence that Iraq poses an immediate threat to our country.

Iraq's government is not democratic, but neither are many other countries listed on the State Department's terrorist list: like Iran, Syria, Libya, North Korea, Cuba, and Sudan.

I reiterate my opposition to this Resolution, and to this war.

To my colleagues, it is in your hands. I do believe the world has good and evil, and what you are about to do here today, will tilt it in a negative direction. It will set us on a course, and I hope I'm wrong, but it could set us on a course, that our children's children, will pay for. That the entire world will pay for. And that will put thousands of American soldiers in harm's way.

Thank you, and I yield back the balance of my time.

Ms. CHRISTENSEN. Mr. Speaker, I rise in support of the Lee amendment.

I am particularly supportive of this amendment because it would place the emphasis where it ought to be—which is in multinational diplomacy and within the context of a strong commitment to the U.N. inspection process—in this important campaign to disarm Iraq and protect our allies national security.

Questions have been raised about our ability to do unfettered and complete inspections, and whether or not we were able to find anything that Sadaam Hussein did not want us to find the first time around.

Mr. Speaker, I would say, that if we have not learned from past experience with Iraq, and if we do not have the technology to search out, find and destroy biological or chemical weapons, or weapons of mass destruction, then we are also not prepared to go to war with Iraq.

Many of us have spoken over the past week about the dangerous precedent that would be set by the United States employing a unilateral first strike against Iraq. The other grave concern of many which was supported by the recently released CIA report, is that whatever weapons Sadaam had would be deployed in desperate retaliation bringing unimaginable death and destruction to us and our allies.

Mr. Speaker and colleagues. We must not set such a dangerous precedent, or commit our young men and women to an unjustified conflict. We must use our resources to strengthen our economy, and to invest in the needs of people here at home, and devote more effort to creating the kind of society that will increase U.S. moral authority and the respect of our world. And we must not weaken our democracy by ceding our authority to the executive branch.

Vote against H.J. Res. 114, and vote aye on the Lee amendment.

Mr. BLUMENAUER. Mr. Speaker, this amendment recognizes that diplomacy is an option that is not yet exhausted. The Administration's Resolution makes a number of assertions that are questionable at best; the clauses in this Amendment, on the other hand, are indisputable. Surely, we can get the United Nations to reinstate newly-empowered weapons inspectors, who can keep a step ahead of Baghdad—inspectors that are allowed to inspect Saddam's presidential sites without notice. We must build a coalition of nations with the support of the United Nations, a coalition similar to that formed by the former President Bush.

It is the duty of responsible nations to give a convincing case to the world before embarking on any military action on another country. And the world is not convinced. War is a last resort, and is recognized as such by Democrat and Republican alike. Because we are not yet at that point, I support the Lee amendment.

The SPEAKER pro tempore (Mr. BONILLA). All debate time on this amendment has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. LEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 72, nays 355, not voting 4, as follows:

[Roll No. 452]

YEAS—72

Abercrombie
Baldwin
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Delahunt
Doggett
Farr
Fattah
Filner
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Morella
Napolitano
Oberstar
Owens
Payne
Pelosi
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Solis
Stark
Tauscher
Thompson (MS)
Towns
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Woolsey
Wynn

NAYS—355

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
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Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
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Moran (KS)
Moran (VA)
Murtha
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Price (NC)
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Ryan (WI)
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Shuster
Simmons
Simpson
Skeen
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Slaughter
Smith (MI)
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NOT VOTING—4

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Messrs. SMITH of Texas, KELLER, GRAVES, Ms. CUBIN, Messrs. GREENWOOD, EHLERS, GRAHAM, BARTON of Texas, BOYD, DOOLEY of California, WALSH, WATKINS of Oklahoma, NETHERCUTT and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Ms. SANCHEZ and Mr. WYNN changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 2 printed in House Report 107–724.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an amendment in the nature of a substitute which is next made in order by the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of substitute offered by Mr. SPRATT:

Strike the preamble and insert in lieu thereof the matter preceding the resolved clause, below, and strike the text and insert in lieu thereof the matter following the resolved clause, below:

Whereas the Government of Iraq, without cause or provocation, invaded and occupied the country of Kuwait on August 2, 1990;

Whereas, in reaction to Iraq's aggression against Kuwait, President George H. W. Bush assembled a coalition of nations to liberate Kuwait and to enforce a series of United Nations Security Council resolutions adopted in opposition to Iraq's invasion of Kuwait;

Whereas the United Nations Security Council passed Resolution 660, condemning the invasion of Kuwait and demanding Iraq's immediate withdrawal, and thereafter passed Resolutions 661, 662, 664, 665, 666, 667, 670, 674, and 677, further demanding that Iraq withdraw from Kuwait;

Whereas the Government of Iraq defied the United Nations, flouting and violating each of these resolutions;

Whereas Iraq's defiance resulted in the adoption of United Nations Security Council Resolution 678 which authorized the use of all means necessary to repel Iraq from Kuwait and to compel its compliance with the above-referenced resolutions;

Whereas allied forces, led by the United States, attacked Iraqi forces on January 16, 1991, and drove them out of Kuwait;

Whereas, after the liberation of Kuwait in 1991, Iraq entered into a cease-fire agreement sponsored by the United Nations, pursuant to which Iraq agreed—

(1) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(2) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(3) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(4) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance;

Whereas, in flagrant violation of the cease-fire agreement, Iraq sought to thwart the efforts of arms inspectors to uncover and destroy Iraq's stockpiles of weapons of mass destruction and long-range ballistic missiles, and the means of producing such weapons and missiles;

Whereas, because of Iraq's demonstrated will to attack neighboring countries and arm itself with weapons of mass destruction, the United Nations Security Council passed Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1137, 1154, 1194, and 1205, demanding that Iraq destroy all weapons of mass destruction, cease further development of chemical, biological, and nuclear weapons, stop the acquisition of ballistic missiles with a range exceeding 150 kilometers, and end its support of terrorism;

Whereas Iraq has continued to defy resolutions of the United Nations Security Council and to develop weapons of mass destruction, has not stopped its support of terrorism, has refused to cooperate with arms inspectors of the United Nations, and since December 1998 has barred and denied all such inspectors any access to Iraq;

Whereas Iraq has materially breached its international obligations by retaining and continuing to develop chemical and biological weapons, by actively seeking a nuclear weapons capability and ballistic missiles with ranges exceeding 150 kilometers, and by supporting international terrorism;

Whereas the attacks of September 11, 2001, underscores the extent of the threat posed by international terrorist organizations, and makes clear the gravity of the threat if they obtain access to weapons of mass destruction;

Whereas the House of Representatives (in H. J. Res. 658 of the 101st Congress and H. Res. 322 in the 105th Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress and S. J. Res. 54 in the 105th Congress) have declared support for international action to halt Iraq's defiance of the United Nations;

Whereas in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), Congress called upon "the President [to] consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq's continuing noncompliance with Security Council Resolution 687";

Whereas in H. Res. 322 of the 105th Congress, the House of Representatives affirmed that the "current crisis regarding Iraq should be resolved peacefully through diplomatic means, but in a manner which assures full compliance by Iraq with United Nations Security Council resolutions regarding the destruction of Iraq's capability to produce and deliver weapons of mass destruction";

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions", while making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable"; and

Whereas Congress supports the efforts by the President to enforce through the Security Council the United Nations Security Council resolutions referenced above: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Elimination of Weapons of Mass Destruction from Iraq Resolution".

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) the President should be commended for calling upon the United Nations to address the threat to international peace and security posed by Iraq's refusal to meet its disarmament obligations under United Nations Security Council resolutions;

(2) the President should persist in his efforts to obtain approval of the Security Council for any actions taken against Iraq; and

(3) the President should continue to seek, and the Security Council should approve, a resolution that—

(A) demands full and unconditional compliance by the Government of Iraq with all disarmament requirements imposed by United Nations Security Council Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1154, 1194, and 1205;

(B) mandates the immediate return to Iraq of United Nations arms inspection teams, empowered with increased staff and resources and unconditional access to all sites they deem necessary to uncover and destroy weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles, without regard to any objections or conditions that Iraq may seek to impose; and

(C) authorizes, if the President deems advisable, a military force, formed under the auspices of the United Nations Security Council but commanded by the United States, to protect and support arms inspectors and make force available in the event that Iraq impedes, resists, or in any way interferes with such inspection teams;

(4) if the United Nations Security Council fails to pass a resolution that satisfies the conditions of paragraph (3), and if the President determines that use of the United States Armed Forces is necessary to compel Iraq to comply with all such disarmament requirements, the President should seek authorization from Congress to use military force to compel such compliance by invoking the expedited procedures set forth in section 5;

(5) if the United States must resort to force, the President should endeavor to form a coalition of allies as broadly based as practicable to support and participate with United States Armed Forces, and should also seek multilateral cooperation and assistance, specifically including Arab and Islamic countries, in the post-conflict reconstruction of Iraq; and

(6) if the United States resorts to force, Congress will provide all possible support to the members of the United States Armed Forces and their families.

SEC. 3. AUTHORIZATION TO USE FORCE IN ACCORDANCE WITH NEW UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.

The President is authorized to use United States Armed Forces pursuant to any resolution of the United Nations Security Council adopted after September 12, 2002, that provides for the elimination of Iraq's weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles. Nothing in the preceding sentence shall be construed to prevent or otherwise limit the authority of the Armed Forces to use all appropriate force for self defense and enforcement purposes.

SEC. 4. PRESIDENTIAL CERTIFICATIONS.

In the event that the United Nations Security Council does not adopt a resolution as described in section 3, or in the event that such a resolution is adopted but does not sanction the use of force sufficient to compel Iraq's compliance, and if the President determines that use of the United States Armed Forces is necessary for such compliance, the President should seek authorization from Congress to use military force to compel such compliance by invoking the expedited procedures set forth in section 5 after the President submits to the Speaker of the House of Representatives and the President pro tempore of the Senate a certification that—

(1)(A) the United States has sought passage by the United Nations Security Council of a resolution described in section 3, and the Security Council has failed to pass such a resolution, and no other action taken by the United Nations Security Council has been sufficient to compel Iraq to comply with the Security Council resolutions referred to in section 2; or

(B) the United Nations Security Council has passed a resolution that does not sanction the use of force sufficient to compel compliance, and—

(i) the United Nations Security Council is unlikely to take further action that will result in Iraq's compliance with such resolution; and

(ii) the use of military force against Iraq is necessary to compel compliance;

(2) the use of military force against Iraq will not impair international cooperation in the fight against terrorism or participation in United States military actions undertaken pursuant to Public Law 107–40; and

(3) the United States is in the process of establishing, or has established, a coalition of other countries as broadly based as practicable to support and participate with the United States in whatever action is taken against Iraq.

SEC. 5. EXPEDITED CONGRESSIONAL CONSIDERATION OF JOINT RESOLUTION AUTHORIZING USE OF FORCE.

(a) QUALIFYING RESOLUTION.—(1) This section applies with respect to a joint resolution of the Senate or House of Representatives—

(A) that is a qualifying resolution as described in paragraph (2); and

(B) that is introduced (by request) by a qualifying Member not later than the next legislative day after the date of receipt by the Speaker of the House of Representatives

and the President pro tempore of the Senate of a certification by the President under section 4.

(2) For purposes of this section, a qualifying resolution is a joint resolution—

(A) that does not have a preamble;

(B) the title of which is the following: ''Joint resolution authorizing the President to use all necessary means, including the Armed Forces of the United States, to compel the Government of Iraq to comply with certain United Nations Security Council resolutions.'' and

(C) the text of which is as follows: ''The President is authorized to use all necessary and appropriate means, including the Armed Forces of the United States, to compel the Government of Iraq to comply with the disarmament provisions in the United Nations Security Council Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1154, 1194, and 1205 and with any other resolution of the United Nations Security Council adopted after September 12, 2002, that requires the elimination of Iraq's weapons of mass destruction and ballistic missiles with ranges exceeding 150 kilometers, and the means of producing such weapons and missiles.''.

(3) For purposes of this subsection, a qualifying Member is—

(A) in the case of the House of Representatives, the majority leader or minority leader of the House of Representatives; and

(B) in the case of the Senate, the majority leader or minority leader of the Senate.

(b) PLACEMENT ON CALENDAR.—Upon introduction in either House of a resolution described in subsection (a), the resolution shall be placed on the appropriate calendar of the House involved.

(c) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) A resolution described in subsection (a) shall be considered in the House of Representatives in accordance with the provisions of this subsection.

(2) On or after the first legislative day after the day on which such a resolution is introduced, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the House of Representatives to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. Such a motion is privileged and is not debatable. An amendment to the motion is not in order. It shall not be in order to move to postpone the motion or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the House of Representatives shall immediately proceed to consideration of the resolution without intervening motion, and the resolution shall remain the unfinished business of the House of Representatives until disposed of.

(3) Debate on the resolution shall be limited to not more than a total of 20 hours, which shall be divided equally between the majority leader and the minority leader or their designees. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order.

(6) Immediately following the conclusion of the debate on the resolution, the vote on final passage of the resolution shall occur.

(7) A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(d) CONSIDERATION IN SENATE.—(1) A resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of this subsection.

(2) On or after the first legislative day after the day on which such a resolution is introduced, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the resolution. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the Senate shall immediately proceed to consideration of the resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the Senate until disposed of.

(3) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than a total of 20 hours, which shall be divided equally between the majority leader and the minority leader or their designees. A motion to further limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order.

(6) Immediately following the conclusion of the debate on a resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the resolution shall occur.

(7) A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(8) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) ACTION ON MEASURE FROM OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition pursuant to paragraph (1)(B)(ii) of a resolution described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such a resolution that was introduced in the receiving House.

(f) LEGISLATIVE DAY DEFINED.—For the purposes of this section, with respect to either House of Congress, a legislative day is a calendar day on which that House is in session.

(g) SECTION ENACTED AS EXERCISE OF RULEMAKING POWER OF THE TWO HOUSES.—The provisions of this section (other than subsection (h)) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and, as such, shall be considered as part of the rules of either House and shall supersede other rules only to the extent they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(h) PRESIDENTIAL RECALL OF CONGRESS.—In the event that Congress is not in session upon submission of a Presidential certification under section 4, the President is authorized to convene a special session of the Congress to allow consideration of a joint resolution under this section.

SEC. 6. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that—

(1) section 3 of this joint resolution is intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution; and

(2) if a joint resolution described in section 5(a)(2) is enacted into law, such resolution is intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution.

(b) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 7. REPORTS TO CONGRESS.

At least once every 60 days, the President shall transmit to Congress a report on matters relevant to this joint resolution. The President shall include in such report an estimate of expenditures by the United States and allied nations to compel Iraq's compliance with the above referenced United Nations Security Council resolutions and any reconstruction efforts in Iraq, including those actions described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105–338; 22 U.S.C. 2151 note).

SEC. 8. INHERENT RIGHT TO SELF-DEFENSE.

Nothing in this joint resolution is intended to derogate or otherwise limit the authority of the President to use military force in self-defense pursuant to the Constitution of the United States and the War Powers Resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 574, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, on grave occasions like this when we pass a war powers resolution, surely, surely one of the things we should seek is a broad base of support. The amendment I propose in the nature of a substitute seeks to broaden the base for this resolution. If we adopt it, I believe that H.J. Res. 114 will gain votes and pass this House by an even bigger majority.

I want to make it clear that we have not broadened the appeal of this resolution by watering it down. My substitute unflinchingly supports the President's campaign and the Security Council for beefing up arms inspection and backing them up with force, and if the Iraqis defy the new inspectors and the Security Council responds with military action, as it should, it authorizes the use of our Armed Forces. It empowers President Bush to use our Armed Forces just as his father did in 1991 in the Persian Gulf War in a military action sanctioned by the Security

Council. If on the other hand the Iraqis defy the inspectors and the Security Council fails to take action, fails to respond, the U.S. will be faced with going it alone.

In these dramatically different circumstances my amendment calls for a second vote by the Congress to approve an attack of the use of force, but it ensures the President a fast track for its consideration. There are various differences between these two resolutions. The preamble is different, but this is the key difference, and it is an important difference.

I want to make clear, however, that there is no difference with respect to our assessment of Saddam Hussein. Those of us who support this substitute see him as a menace and a threat. We agree with the President in demanding that the Security Council enforce its resolution and allow him no quarter. But for several reasons we do not want to see the United States act alone, and this is not just our concern. Over the last several weeks we have spent days talking to retired general officers who have experience in this field, to General Hoar and General Zinni, former commanders of Central Command, to General Clark and General Boyd, former Commanders of Europe, and they have agreed on this much. If we act alone, they told us, instead of being the United Nations versus Iraq, any war that happens, instead of being a war legitimated by the U.N. Charter, this will be the United States versus Iraq and in some quarters the U.S. versus the Arab and Muslim world. That is why one general officer told us ''I fear if we go it alone we may pay a terrible price.''

Point number two, in any conceivable military confrontation with Iraq with or without allies, the United States will win. But having allies, especially allies in the region, could be a big tactical advantage, like Saudi Arabia, Turkey, and it will make it easier to achieve victory and less costly in money and, most importantly, less costly in human life.

Three, the outcome after the conflict is actually going to be the hardest part, and it is far less certain. We do not want to win this war only to lose the peace and swell the ranks of terrorists who hate us. A broad-based coalition will raise our chances of success even more in the post-war period.

I know that some will say this is an imposition on the President's power, a second vote, but in truth it is nothing more than the age-old system of checks and balances built in our Constitution. It is one way that Congress can say what we believe, that any action against Iraq should have the sanction of the Security Council and the support of a broad-based coalition, and if it does not, we should have a further say on it.

Others will say that this resolution relies too heavily on the Security Council, but let me say, Mr. Speaker, the precedent it follows was the precedent set by President Bush in 1991. He turned to the United Nations first. He secured a series of resolutions from the Security Council that culminated in Resolution 678. He did not threaten not to go elsewhere, he went straight to the Security Council. The end was a successful military action and I think a model worth emulating. My substitute does just that. I urge my colleagues to follow the precedent set by President Bush in 1991 and support my substitute amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose the amendment in the nature of a substitute offered by the gentleman from South Carolina. First and foremost, this substitute neither recognizes nor protects American sovereignty. It clearly yields to the United Nations the right and obligation to protect America. It relies on the U.N. first as a trigger mechanism. The President must wait until the U.N. acts or if it does not act or if it does not act properly, and God only knows how long that will take, then the President must return to Congress for further authorization for the use of force. And then once authorization is obtained, the use of force is limited to dealing with weapons of mass destruction and ballistic missile threats, but what about other threats to the U.S. national security such as the use of conventional weapons or Iraqi terrorism?

Iraq is a terrorist nation. Evidence exists that Iraqi operatives met with al Qaeda terrorists. This amendment does not allow the President to use force now even if an immediate or imminent terrorist threat is present. When the U.N. fails to act or does not act properly, the President must come back to Congress and seek authorization to use military force, but first he must certify to Congress that the U.N. has failed to pass a resolution or the U.N. has passed an insufficient resolution and the use of military force against Iraq ''will not impair international cooperation in the fight against terrorism.'' In other words, if a Nation, say Iran, North Korea or Syria, maintains that it will no longer cooperate in the war against terrorism, then international cooperation has been impaired. How can the President make such a certification? At that point is he unable to ask Congress for the authorization to use force? Why would we want to have these types of roadblocks impeding our President at a time when he is trying to defend the national security of the United States? This amendment imposes a steeple chase on the President with one hurdle after another.

In conclusion, this substitute amendment would strike the bipartisan agreement that we have worked so hard to bring about and which is reflected in House Joint Resolution 114. Its primary focus is on approval of the U.N. before any military action can be taken against Iraq. It does not recognize the sovereignty of the United States, and it fails to acknowledge the President's warning in his speech on Monday that the danger from the Iraqi regime is an imminent and urgent threat to the United States. I do not propose that we subordinate our foreign policy to the Security Council whose permanent members include France, China, and Russia, and I urge a no on this amendment in the nature of a substitute.

Mr. Speaker, I reserve the balance of my time.

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Mr. SPRATT. Mr. Speaker, I yield 30 seconds to myself to read what the text of the resolution would provide: ''The President is authorized to use all necessary and appropriate means, including the Armed Forces of the United States, to compel Iraq to comply with the disarmament provisions of the U.N.,'' and it cites those, ''and any other resolution to require the elimination of weapons of mass destruction, ballistic missiles and the means of producing such weapons.''

That is pretty sufficient language.

Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am happy to rise in support of the proposal by my friend and colleague, the gentleman from South Carolina (Mr. SPRATT).

Several weeks ago the gentleman from South Carolina (Mr. SPRATT) and I drafted a resolution for the use of the minority leader, the gentleman from Missouri (Mr. GEPHARDT) in negotiations with the White House. That draft contained a number of important principles, focusing on the role of the United Nations, on more narrowly defining the threat posed by Iraq as to its weapons of mass destruction, and on planning for what will be needed after the conflict, if military action should be taken.

These principles do not undermine, rather, they strengthen, American national security. Many of these principles have now been included in the resolution offered by the Speaker and the gentleman from Missouri (Mr. GEPHARDT).

On Tuesday night, I expressed my support for that resolution as it represents a significant improvement over the original draft submitted by the White House. But the Spratt substitute perfects a number of the principles contained in the base bill.

It connects American efforts more strongly to those of the United Nations. This resolution urges the President to work with the United Nations to enforce Iraqi compliance with its disarmament obligations. If the United Nations authorizes the use of force to achieve these goals, the Spratt resolution provides immediate congressional

authorization. But if the United Nations cannot, or will not, act, then this Congress must consider the benefits of unilateral action under a second resolution using expedited procedures.

The Spratt resolution does not tie the President's hands. U.S. national security will be protected. This resolution sends a strong message to Iraq that the Congress insists that it comply with its obligations.

It also sends a strong message to the United Nations and to our friends and to our allies all around the world that we are committed to acting with them to the greatest extent possible to meet this threat. In these ways, the Spratt substitute improves the resolution already before us.

I urge my colleagues to vote with me to support it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise with some concern in my opposition to this resolution, because I have such high regard for my friend, the gentleman from Missouri (Mr. SKELTON), who just spoke in favor of the resolution. But I have read the resolution carefully, and I think this is a step backward in all of our actions. It really restricts, rather than broadens, the use of force against Iraq that already is authorized under current law.

Section 3 is even narrower than Public Law 102–1, which already authorizes the United States to use force to restore international peace and security. We are already authorized to stop Iraq from supporting terrorism. We are already authorized to prevent Iraq from threatening its neighbors. We have already authorized the United States to protect Iraq's own civilian population.

I believe you can read this resolution clearly. All of those things would no longer be authorized. I think you cannot even continue to enforce the no-fly zone under this resolution.

Section 3 would require the United States to wait for the United Nations Security Council to act before the President could take action to protect our national security interests against the dangers of weapons of mass destruction posed by Iraq. Even the United Nations Security Council approval of section 3 would not authorize the United States to act. We would have to have United Nations action, and then we would have to have a second vote in this Congress.

The vote in the Congress is restricted by the substitute.

This is a step backward. It sends a muddy signal about our resolve. It completely replaces the Gephardt-Hastert resolution that is before us, and really postpones a critical question to another day.

We have put this question off too long already. This resolution asks us to put it off yet longer. I encourage my colleagues to join me in rejecting this Spratt substitute resolution and moving forward to pass the Hastert-Gephardt resolution later today.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR asked and was given permission to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, I support the Spratt amendment because I believe that we should not rush into war without seeking the support of our allies. We should not send American troops into combat before making a good-faith effort to put U.N. inspectors back into Iraq under a more forceful resolution. We should not turn to a policy of preemptive attack without first providing a limited time option for peaceful resolution of the threat.

This amendment would authorize the use of U.S. forces in support of a new U.N. resolution mandating the elimination by force, if necessary, of all Iraqi weapons of mass destruction. If the Security Council does not pass such a resolution, the amendment calls on the President to then seek authorization for unilateral military action.

The Spratt amendment demonstrates our preference for a peaceful solution and coalition support without ruling out unilateral military force if it becomes necessary.

America has long stood behind the principle of exhausting diplomacy before resorting to war, and at times like this, we must lead by example.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the chairman of the Committee on International Relations for yielding me time.

First, Mr. Speaker, I want to commend my good friend from South Carolina (Mr. SPRATT), one of the most valued of this House, on a very thoughtful and creative amendment. I believe, however, that the amendment would weaken the hand of our Secretary of State in international negotiations that are occurring as we speak.

Every Member of this body prefers a diplomatic and peaceful solution. Every Member of this body prefers to have as many nations, friends, allies and others come with us as possible. But to enhance the prospects for a peaceful solution, both the Security Council and Saddam Hussein must perceive that diplomatic failure will lead to military action. This amendment fails to convey that critical message.

Mr. Speaker, the Spratt amendment requires the President to certify ''that the use of military force against Iraq will not impair international cooperation in the fight against terrorism.'' This amendment effectively asks the President of the United States to certify the unknowable.

The initial impact of action in Iraq on international cooperation is uncertain. It may be argued that it will diminish it or it will enhance it. But one thing we are all certain of: Once Iraq is disarmed, international cooperation against terrorism will skyrocket, and international terrorism itself will have been dealt a severe blow.

While the principles behind the amendment and the underlying text have some similarities, I must oppose the amendment, Mr. Speaker, because I believe at this stage we must support the bipartisan-bicameral agreement reached with the White House.

I strongly urge my colleagues to reject this well-intentioned amendment. It would unravel the agreement which is on the verge of ratification, and it would undermine our goal of speaking with a strong and united voice.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Spratt resolution would permit the use of military force, but only to eliminate the real danger we face, Iraq's possession of nuclear or chemical or biological weapons. The President's resolution would allow the administration to use military force to seek regime change in Iraq, a very dangerous course of action.

It is one thing to say to Saddam Hussein, we are going to disarm you of your weapons of mass destruction. It is another thing to say, we are going to kill you, which is what regime change means. Faced with that threat, with that assurance, there would be nothing to deter Saddam Hussein from deciding, like Sampson in the Philistine temple, that he might as well pull down the world around him. Why should he not go down in history as an Arab hero by attacking Israel with chemical or biological weapons? Israel may then feel well to retaliate, and no one can calculate the course of escalation from there.

Just the other day the Director of the CIA, George Tenet, warned the Senate that ''if Saddam Hussein concluded the survival of his regime were threatened, he probably would become much less constrained in adopting terrorist action.''

The Spratt substitute is the most effective way to go about disarming Saddam Hussein, while avoiding tactics that could very well end up in regional conflagration. It grants more limited, but still sufficient, power to the administration to meet the threat posed by Iraq's weapons program. It allows for the President to use force in conjunction with the U.N. if it becomes necessary.

It does not, however, grant the President a blank check, on the model of the Gulf of Tonkin resolution, as the main resolution before us does.

I am proud to support this resolution. It maximizes the chances we will disarm Saddam Hussein and eliminate the real danger, without getting into a major conflagration.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. OXLEY).

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, let me first say to my friend, the gentleman from Illinois (Mr. HYDE), and to all of the participants in this historic debate how much I appreciate their leadership and their ability to debate this issue in a very courteous and effective manner.

One hundred thirty-eight Members of this House were present back when we debated the original Gulf resolution. Those of us who were here at the time, including myself, remember that as one of the historic times in this Chamber. We return today in many ways to debate some of the very same issues we debated so many years ago.

All of us, I think, feel a tremendous sense of honor to have an opportunity to debate these issues before us. But ultimately the substitute offered by my friend from South Carolina fails to put us in a position to be as effective as we were back in 1991. Indeed, it probably takes us a step backward.

If you look at the U.N. resolutions, 16 resolutions ultimately in that language, there is the ability of the world to go after Saddam without another U.N. resolution, without another resolution passed by the Congress. Yet the President came to the leadership of our body and requested that the Congress give this kind of authority. That is exactly what our leadership did.

My hat is off to the Speaker and to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for coming together and putting together a bipartisan resolution that should be supported.

This is a serious matter, that Saddam Hussein has continued to resist our efforts. Let us reject this substitute, pass the underlying resolution, stand firm, as we did back some 11 years ago, and send a signal that the United States and our allies will perform adequately.

□ 1115

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise in support of the Spratt alternative resolution.

Mr. Speaker, I rise today in support of Congressman SPRATT's alternative to this resolution authorizing military force against Iraq. First of all, I would like to say that there is no question that Saddam Hussein is evil personified. He is Adolph Hitler and Joseph Stalin rolled into one reprehensible dictator. This world would no doubt be a better place without him.

But this record of cruelty does not give a lawful reason to attack Iraq without proof that their activities pose an imminent threat to the security of the United States. So I must ask: Why must we pass this resolution now? I still have not received a clear, convincing answer to that question.

I have asked it, and many other questions of those who support this resolution, including the Secretary of State. They have failed to make an effective case as to why Congress should authorize a historic shift in policy from containment and deterrence to that of preemptive attacks.

As far as I know Saddam Hussein has committed no new evil acts, since President Bush was sworn into office almost two years ago. Why didn't the President ask for this resolution at that time? During his campaign, President Bush himself said that the United States should not be the ''world's policeman.'' Why the shift in policy? When the President first started talking about using military force against Iraq, it was said that Saddam Hussein was linked with September 11th, but then British and U.S. intelligence revealed that wasn't true. Also, when the President first started talking about removing Saddam Hussein, he claimed that he had the authority to do so under a 1998 resolution. However, now we are here considering the authorization of military forces at the President's request. Furthermore, the President was prepared to go it alone, and then he decided to ask for the support of as many allies as possible, including the United Nations. These are just some examples of the mixed messages from the Administration. The President's approach to the Iraq situation has had numerous changes in a short span of time.

Due to the President's disjointed approach, the lack of answers to many questions that various colleagues and I have, and the fact that containment of Saddam Hussein has worked for the past decade, I cannot support this resolution.

I have tried very hard to support the President and this resolution because I believe the President is sincere and truly thinks that military force is the only way to deal with Saddam Hussein. Perhaps he is right, but I cannot in good conscience support military force until we first seek U.N. weapons inspections and the support of the international community. Therefore, I urge my colleagues to join me in supporting Congressman SPRATT's substitute resolution.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to respond to the arguments made on the other side. First, they claim that this bill somehow, even though there is not a word in it, supplants Public Law 102–1, which has the authority to go after terrorists, which is not true, and then they say that we are wrong in saying to the President, we do not want to dilute the focus on terrorism; we want you to certify to us that if we go to war in Iraq, it will in no way impair our first priority, and that is to get al Qaeda. We have to decide which way we want to go.

We say, that is still the law of the land, 102–1. We backed it then, we support it now, and we want to make al Qaeda our first priority.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), a Vietnam veteran and a member of the Committee on Armed Services.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise this morning in strong support of this substitute. As I said yesterday, many of us know that there is a better way, and the gentleman from South Carolina (Mr. SPRATT) has focused our efforts with his leadership and with his guidance. He has led the way to a carefully constructed and well thought out resolution, one that takes into account the dynamic and the potentially dangerous situation in which we find ourselves today.

Unilateral action, Mr. Speaker, would cost billions of dollars and possibly thousands of lives. Carelessly stepping into a conflict is not something that should be undertaken lightly. I do not think that the administration, as I said yesterday, has made the case for this type of action. This appropriate resolution supports the President's request of the Security Council for arms inspections that is backed by force. This resolution authorizes President Bush to use the same Armed Forces of the United States as his father did in the Persian Gulf War in military action that is sanctioned by the Security Council. If the Iraqis defy the inspectors and the U.N. will not authorize force, this Congress will expedite a vote for a new resolution to authorize that force.

Saddam Hussein and his regime are a menace to our security, and I agree with the President that the Security Council should enforce resolutions and put a stop to his system of ''cheat and retreat.'' The Security Council should compel Iraq to destroy its weapons of mass destruction and its means of producing such weapons, and if armed force is necessary, it should be with their concurrence as well.

This bill sets the stage for a prudent process to accomplish these objectives. More importantly, it emphasizes the tenet that war should be a last resort and not a first resort.

Mr. Speaker, I ask my colleagues to support this resolution.

Mr. HYDE. Mr. Speaker I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this amendment.

Let us remember those words, and as I hear this debate they come back to me: ''Gentlemen may cry 'peace,' 'peace,' but there is no peace. The war has actually begun.''

Those are the words, of course, of Patrick Henry, who spurred on our people to fight for their liberty and fight for our country's security. And when all is said and done, America's security and our freedom is in the hands of our people. We do not choose to put the future of this country and the security of this country into the hands of the United Nations. As we debate this amendment, which again puts even more responsibility in the hands of the United Nations, let us take a brutal look at that organization and what this amendment accomplishes.

This amendment requires the United States to have the permission of the Communist Chinese and gangsters of other regimes to do what is necessary

for our own security. That is ridiculous. Quit idealizing the United Nations for what it is not. It is not an international body that is run by saints. Instead, it is run by ordinary democratic countries, but also by despicable regimes which terrorize their own population.

Requiring the President, our President to get permission from the United Nations means we are requiring our President to make deals with governments like the Communist Chinese before doing what is necessary for our own security. No wonder the repressed people of China, like the Falun Gong, who had their demonstration here yesterday, like the people of Tibet, like the people of East Turkistan are afraid that our President may well make an agreement with the bosses in Beijing who terrorize them at the expense of those people who long for freedom.

We should not be relying on the United Nations. No, we should be relying on our strength and our commitment to those ideals that our Founding Fathers set forth so many years ago and have been fought for so many times by Americans. Let us remember what George Washington told us: ''Put only Americans on guard tonight.''

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I wish to respond to some of the comments made just now by the gentleman from California (Mr. ROHRABACHER) and earlier by the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE).

It is true that this resolution seeks to have the United States first act in a multilateral basis through the U.N., but we are not transferring the job of protecting Americans to the United Nations. In section 8 of this resolution it says, ''inherent right to self-defense.'' Nothing in this joint resolution, the Spratt substitute, is intended to derogate or otherwise limit the authority of the President to use military force and self-defense pursuant to the Constitution of the United States and the War Powers resolution.

But there is a reason why we need to act on a multilateral basis. It is because if we act against Saddam's weapons of mass destruction together with allies, we are less likely to provoke an Islamic fundamentalist uprising in the Middle East. We are more likely to diminish the number of recruits to Osama bin Laden, not to accentuate the number of recruits to terrorist causes.

Insofar as people have suggested this is a steeple chase or they are roadblocks to getting the second resolution passed, it is a week-long proposition. Come back, we have the resolution laid out in this substitute, there are no amendments, no points of order, it comes to the floor, we will have a debate of 20 hours, and it will be done.

This is critical. This is as important a vote as the vote on final passage, and I urge Members to support the Spratt substitute.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank my colleague from Illinois for yielding me this time.

I rise today in strong opposition to the amendment offered by our friend, the gentleman from South Carolina (Mr. SPRATT). The amendment in the nature of a substitute basically puts us in a position of having to go to the U.N. and get a resolution of support or, if the U.N. cannot act or will not act, requires the Congress to come back and to have another vote.

I think one of the points that is missing in this debate is that it seems as though people think the President is not acting in a unilateral way.

We are the only superpower on the face of the Earth. We as a Nation, as a result, have a responsibility to lead. I think that the underlying resolution does, in fact, strengthen the President's hand to lead and to continue to build multilateral support. I believe that the amendment offered today basically undercuts the President's ability to continue to lead us and to build a multilateral action.

Secondly, the President is being very deliberate about this. This effort has been under way for the last 8 weeks. The President continues to consult with Members of Congress in both bodies, continues to work with our allies, continues to work with the U.N., and I think all of us would agree that the President made a forceful case for action because he was at the U.N.

Again, the amendment that we have before us handcuffs the President in terms of his ability to continue to bring about positive action at the United Nations.

Now, we have 16 amendments passed by the United Nations over the last 11 years dealing with chemical and biological weapons. What makes us believe that Saddam Hussein or anyone else who is going to act, if in fact the U.N. would ever act? But more importantly, why would we want to put the security and the freedom of the people of our country at risk or put them in the hands of the U.N. Security Council in hoping, maybe, that they will act.

The fact is in 1991 during the Gulf War we had a debate here and we kept hearing the same thing we are hearing now: wait, wait, wait. If we had waited any longer in 1991, the Iraqi regime would have been into Saudi Arabia and we would have had a much larger crisis than we have. The fact is that we have waited for a long time to bring this regime to a halt and to take away their threat, and I believe the underlying resolution done by the majority leader and the Speaker, along with the minority leader, gives the President the strongest hand possible in terms of building a multilateral coalition and, most importantly, protecting the American people whom we are sent here to represent.

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

(Mr. BALDACCI asked and was given permission to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I rise in support of the Spratt amendment as the right way to security; not having to go it alone, but with the help of our allies.

Mr. Speaker, I rise today with a heavy heart. The decision whether or not to send our young men and women into war is the most difficult one a Member of Congress can face. In considering this matter, I have done considerable research, been briefed by the White House, talked with my colleagues and listened to the voices of the people of Maine.

It is clear that Saddam Hussein is a dangerous dictator. He has not hesitated to attack his neighbors, and even his own people. Since weapons inspectors were forced out of Iraq in 1998, we know that Hussein has taken steps to rebuild his chemical and biological weapons production capability. We have strong evidence that he is beginning to rebuild his nuclear program. Based on all that we have seen, in the past and in the present, it is clear that the Iraqi regime is a threat to international peace and security.

I am convinced that it is in the best interests of our Nation and our world that we eliminate these weapons of mass destruction. If Hussein does not use them directly, I believe there is a good chance that he will provide them to other terrorists who will. This situation cannot stand.

The question now before us is how to achieve our common goal of disarming Saddam Hussein. I am not supportive of a unilateral pre-emptive strike. As President bush said on Tuesday night, force must be our last resort, not our first. I am convinced that we will be strongest if we address this situation with the support of a multilateral coalition.

For that reason, I will be supporting Representative SPRATT's substitute that calls for just such a multilateral approach. This resolution echoes the President's speech in which we urged the adoption of a new U.N. resolution that seeks to disarm Hussein, and if that resolution proves ineffective, calls for a coalition to disarm him. This substitute supports the President's intention to exhaust diplomatic approaches to disarming Iraq while still ensuring that he will be able to take action against Iraq if these methods prove ineffective.

To me, the most significant difference between Mr. SPRATT's approach and that of the administration is that Mr. SPRATT keeps Congress closely involved as the decision-making process moves forward, as is consistent with our Constitutional duty. Under the substitute, the administration will be required to return to Congress when and if it determines that diplomatic avenues have been pursued and have failed. At that time, expedited procedures will be in place to authorize military action if necessary.

When we are dealing with issues of this magnitude, I believe that there needs to be true consultation between the Congress and the administration. Simple notification is not enough. I agree that we need to speak with

one voice, and this substitute gives us the tools to do that.

The bottom line is that yes, we must take action to protect our Nation and, indeed, the world from the weapons of mass destruction that Saddam Hussein has developed and continues to pursue. However, unilateral action is not, in my opinion, the most effective approach. I believe a multilateral approach offers the best chance to effectively disarm Saddam Hussein and put an end to his chemical and biological weapons programs. It's important for our government to work with other nations, and ensure that all non-military avenues have been exhausted, before taking action on our own. We should work with the world community and the United Nations Security Council. If these efforts fail, I support using force in concert with our allies.

I opposed the President's original resolution, and I commend my colleagues who have worked so hard to improve it. The underlying resolution has come a long way in addressing my concerns. However, I still believe that the Spratt approach is the best one at this time. It is a workable resolution, which neither ties the President's hands nor promotes unilateral action by the United States. I urge my colleagues to support this responsible approach.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER), also a Vietnam veteran and a member of the Committee on Armed Services.

Mr. SNYDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Those of us that support this amendment do not believe that we are undercutting the President or somehow placing handcuffs on him. What, in fact, we believe we are doing is responding to the great common sense of the American people, the kind of discussions we all have at home and Americans are having all over the country in which they see a difference in the factual situations between America going in as an international body in cooperation with the United Nations versus America having to go it alone because the international community does not want to be with us. There are differences in those two scenarios, and the differences have different ramifications for the future of America's national security.

In fact, what the Spratt amendment does is give additional powers to the President not in the Constitution. It gives him the power to schedule this vote through an expedited process.

I think the Spratt amendment in fact is the kind of approach that the American people want us to take, to act in concert with the international community and, if that is not successful, to come back and expedite a way for a reevaluation by their elected representatives as expected by the Constitution.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, when you retire from Congress and the great summing up comes with your great-grandchildren or great-great-grandchildren, and people say, ''What did you do in Congress,'' you say, ''Well, I voted to yield sovereignty to the United Nations. I voted to have the decision to defend the United States national interests to the Security Council, which is composed of five members, three of which are France, China, and Russia.''

What a precedent, to condition our taking action by getting approval and by getting a new resolution. What is that, Resolution No. 7,842? No, it is only about the seventeenth resolution. A new resolution authorizing the United States to defend its national interests?

This is not a preemptive strike. The shooting has never stopped from Desert Storm. There was a cease-fire, not a peace treaty, in February of 1991 and, after that, every day they shoot at us in the sky.

So this is not preemptive, it is just finishing what should have been finished several years ago.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

□ 1130

Mr. ROYCE. Mr. Speaker, I rise in opposition to this amendment.

It is clear to me that most Members hope that the administration wins support at the United Nations for a robust weapons inspection regime. I am one who wishes this. That is the outcome that I think the gentleman's amendment aims for, but it does this, however, in a way that I believe sets the administration up for failure.

This amendment expedites congressional consideration of an authorization to act against Saddam Hussein should the administration be unable to secure an acceptable U.N. inspections resolution. That is its second step, but let us think a ways down the road.

Does this Congress really want to be in the position of spotlighting our possible failure at the U.N.? The story line for the second congressional deliberation on Iraq this amendment mandates would be ''Failing at the U.N., Administration Forced to Try Congress Again.'' I have a hard time seeing how our Nation could possibly be strengthened by that.

In considering this amendment, we cannot afford wishful thinking about the U.N. The fact, often lost in this debate, is that the United Nations is a grouping of Nations with often differing political interests, some that share our values, others that do not. This is one of the reasons that, while working with the Security Council, we must always guard against its compromising our national security policy.

This amendment, in practice, gives the edge to the U.N. Security Council over our administration in facing the threat of Saddam. The negotiating hand of other Council members would surely be strengthened against the administration if they knew that our President would be forced to return to Congress if he could not strike a Security Council weapons inspections deal. Neither outcome, a weak weapons inspection resolution nor if the administration must walk away, a perceived and universally noted failure by our country to win at the U.N., is one we should be setting our administration up for.

Secretary of State Powell told the Committee on International Relations that his hand at the U.N. would be strengthened by a strong congressional authorization for action against Iraq, one, in his words, that was not watered down. I know that Secretary Powell has been working hard to gain support at the U.N. To kick the congressional authorization he seeks down the road, to grant it or even not grant it, based upon the U.N. Security Council's schedule and political landscape, is a big watering down.

It is the judgment of the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, and the majority of Committee on International Relations members that the bipartisan resolution we are considering this week is the one Secretary Powell needs. That is why I urge the rejection of this amendment.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, let me say to my very good friends on the other side, this amendment builds on the lessons of leadership from our success in the Persian Gulf War. Virtually no American lives lost and our specific mission accomplished.

We want to do just what we did in 1991. President Bush waited until after the congressional midterm elections. He secured the United Nations Security Council authorization to use international force. We had the support of Iraq's Arab neighbors. We did not position this country as a target for vengeance from Arab and Muslim extremists, and for a decade, we have contained and sanctioned Saddam.

We are fighting another war today, a war on terrorism, and our intelligence agencies tell us these are separate wars. This amendment focuses on winning both wars and securing our deserved position as the unparalleled leader and inspiration of the free world.

The rest of the free world is no less determined to protect their families and individual liberties. Let us make this war and the war on terrorism an international and definitive success.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, some of our friends today, in debate, have suggested that somehow adoption of the Spratt resolution would yield American sovereignty to the U.N. or, as one speaker put it, would subordinate foreign policy to the Security Council.

Is it not true that under the Spratt resolution the decision of the United

States to back up U.N. inspections, to back up U.N. enforcement actions, would be ours to make and that, moreover, those troops would remain under U.S. command? Is there any ground for treating this as some kind of abdication of sovereignty?

Mr. MORAN. Mr. Speaker, my friend from North Carolina is absolutely right. This amendment strengthens the position, the leadership role of the United States. It builds on the lesson of 10 years ago that was a success then and should be a success today.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I thank the Chairman for yielding me the time.

Mr. Speaker, I rise in strong opposition to the Spratt substitute. I have great respect for the gentleman from South Carolina, but believe that this resolution is very misguided. It divides, or bifurcates, American foreign policy instead of speaking with one voice.

Nothing in the resolution put forth by the committee, led by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), prevents the very course of action outlined by the gentleman from South Carolina, but I fear that if this resolution offered by the gentleman from South Carolina (Mr. SPRATT) were adopted, it would have the opposite effect of that intended by the gentleman; and that is because it sends the message that the President, in his efforts to get strong United Nations action and support from our allies, does not have the support of our own Congress.

Between the votes on the two resolutions contemplated by the gentleman and while the President seeks international support, we will in effect be a cacophony of voices rather than speaking with one voice.

Many Members of Congress have differing opinions on what the U.N. resolution should be. It is time to speak to the U.N. with one voice. Politics must end at the water's edge.

In dealing with other Nations and especially with the United Nations, the President must have a strong hand. He must be able to say what he is authorized to do, if necessary, to push the U.N. to do the right thing itself. On the other hand, the Spratt substitute sends the message to Saddam Hussein that we are talk without action. He has relied upon that state of affairs for the past 12 years.

This resolution is little different than the 16 U.N. resolutions, all without consequences. This resolution demands the truth, but removes the consequences. This resolution prevents the President of the United States from taking action to protect our national security interests. It ties his hands, even to do the limited things we are already doing.

The Congress needs to speak with one voice. The Congress needs to speak now, not later, and the Congress needs to place into the hands of the President the necessary tools to implement a unified and effective foreign policy.

I urge my colleagues to reject this substitute.

Mr. SPRATT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. MCCARTHY).

(Mrs. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Mrs. MCCARTHY of Missouri. Mr. Speaker, I rise in support of this measure. The Spratt-Moran substitute charts the right and responsible course.

Mr. Speaker, I rise in support of the Spratt-Moran Substitute to H.J. Res. 114. I join the sponsors in commending the President for calling upon the United Nations to enforce existing Security Council resolutions eliminating weapons of mass destruction in Iraq, as well as his seeking approval of a new resolution establishing tougher arms inspections. Should force be necessary, this substitute encourages the President to make every effort to obtain U.N. Security Council approval. It is essential that we execute a multilateral approach to Iraq by uniting with our allies as we did this past year in Afghanistan, and which we also did in prosecuting Desert Storm with a minimal loss of American lives. Indeed, mobilizing a broad coalition of nations to join us in Desert Storm helped avoid destabilizing the Middle East, something which we may be powerless to prevent if we act unilaterally now. It is important to acknowledge that, as with our responsibility to nurture and support the effort to democratize and help stabilize Afghanistan, it is also in our national interest to make a long term commitment to assist in the transition to a new and stable democratic government in Iraq. This is the way to build a collective security throughout the region and enhance the prospects for a lasting peace.

I concur with the U.S. Conference of Catholic Bishops that "the use of massive military force to remove the current government of Iraq could have incalculable consequences for a civilian population that has suffered so much from war, repression, and a debilitating embargo." In addition to concern for the people of Iraq who have been subjugated by Saddam Hussein and his evil regime, we must fully understand that an attack on Iraq, particularly without support from the world community, may have unintended, negative consequences to our global war on terrorism. We must not lose sight of the fact that it is the worldwide terrorist network which poses the most immediate danger to the people of the United States. We have the support of the world in combating terrorism. If we go it alone in Iraq, we risk destroying that support and impeding our ability to win the war against terrorism.

That is reason enough for making a strong and diligent effort to obtain support of the U.N. Security Council for an aggressive and immediate program of widespread on-site inspections for weapons of mass destruction in Iraq. The Spratt-Moran Substitute allows the President to use our troops to assist the U.N. inspections. Such inspections must be executed unrelentingly and must lead to the immediate disarmament of Iraq.

Mr. Speaker, historian Robert Dallek recently noted that during the Presidency of Harry Truman our defense policy was one of containment and deterrence quite unlike the policy proposed by the current administration. President Truman felt that the best way to preserve the peace following World War II was to contain our adversaries. Truman said, "There is nothing more foolish than to think that war can be stopped by war. You don't 'prevent' anything by war except peace." Mr. Dallek assessed the current administration's policy as "prevention" by removing a head of state who has the power to do harm to us. Such a unilateral act must be justified with facts that convince the American people to go it alone. The Spratt-Moran Substitute calls upon the President to justify that such force is the only option left available, and mandates that the President seek a second vote of the Congress to authorize use of our military might if the President determines a regime change in Iraq is the goal. I commend my fellow Missourian, Mr. SKELTON for his efforts to assure that we adhere to our Constitution by requiring this second vote.

Mr. Speaker, we are united in our desire to achieve peace and stability in this region. One of the strengths of our country is our right to express our views freely and not have our patriotism questioned if we disagree with a particular administration or policy. I realize my view may not be the prevailing opinion of this body or this administration, but I truly believe it represents the view of a majority of my constituents given the information that is available to us.

I recognize the tremendous sacrifices of the armed forces in this endeavor and I fully support them. The question before us is when and how they should be engaged. I support the multilateral approach stipulated in the substitute and the call for a vigorous, all encompassing inspection program by the U.N., and urge my colleagues to adopt the substitute. As anthropologist Margaret Meade wisely noted: "We must devise a system in which peace is more rewarding than war." The Spratt-Moran Substitute charts the right and responsible course.

Mr. SPRATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

(Mr. FATTAH asked and was given permission to revise and extend his remarks.)

Mr. FATTAH. Mr. Speaker, I rise in support of the Spratt amendment.

Mr. Speaker, I rise today in support of the Spratt Substitute for the Use of Force Against Iraq Resolution.

The Spratt substitute authorizes the use of U.S. armed forces to support any new U.N. Security Council resolution that mandates the elimination, by force if necessary, of all Iraqi weapons of mass destruction, long-range ballistic missiles, and the means of producing such weapons and missiles. The substitute also calls on the president to seek authorization from Congress in the absence of a U.N. Security Council resolution sufficient to eliminate by force, if necessary, all Iraqi weapons of mass destruction.

If we go to war with Iraq, we must do so with the approval of the U.N. Security Council, and the general cooperation and support of the United Nations. We risk damaging the

U.N. Security Council's legitimacy as an authoritative body in international law if the United States acts unilaterally. If the argument for involvement in Iraq is that we lead by example, then we signal to the rest of the world that it is okay to ignore the concerns voiced by the international community. This will only lead to further future conflict. If the United Nations is to impose sanctions, restore order, and be an effective international institution, it must have the respect and cooperation of the most powerful country in the world.

Rather than initiating a war with Iraq, let's make an effort to achieve a just and lasting peace in the Middle East between Israel and the Palestinians.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, America is a great Nation because it always at times of toil and tumble has followed great principles.

We have always matched the might of our Armed Forces with the force of our great principles, and it is a great American principle that at times of international trouble, we work with the international community, not without it. It is a great American principle that we do not launch unilateral first strikes without the support of the international community and the vote of the U.S. Congress.

The Spratt resolution follows and upholds those great American principles, and the underlying resolution violates them. No Congress should give any President a blank check to start a unilateral first strike for any reason, anytime, with or without any allies.

This Nation gave the world the great principles of freedom of speech and freedom of religion and ought to lead the Nation in the concept of going forward on the arc of human history which is working together for mutual security rather than backwards to the law of the jungle.

I do not want to vote to make it the legacy of this generation of American leaders to send us backwards where a strong nation devours the weak, and we do not work with the international community.

There is a practical reason for doing this. As General Hoar, or Zinni, I cannot remember which one, said, why would we supercharge Osama bin Laden's recruiting efforts with a unilateral first strike?

The Spratt resolution imbues great American principles. We should follow it is the American way.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LARSON of Connecticut. Mr. Speaker, I rise to unite this body and the Nation behind the Spratt resolution of which I am a proud cosponsor.

The Spratt resolution both strengthens the President's hand and demonstrates national resolve. It preserves the constitutional authority that resides with this Congress and does not abdicate our role to the United Nations.

Many have stepped forward, including many notable Republicans, Mr. Scowcroft, Mr. Eagleburger, Mr. Baker, and several others, who understand the deep importance and abiding concern that many of us on this aisle share with not only them, but people all across this Nation.

Thomas Friedman spoke at a recent book tour about the consequences of our doctrine, long term, and its effect, and he was struck by the one man in the audience who came up to him and reached into his wallet and produced but a picture of his children. It spoke volumes. We need say nothing else.

Support the Spratt alternative.

DICK CHENEY'S SONG OF AMERICA

(By David Armstrong)

Few writers are more ambitious than the writers of government policy papers, and few policy papers are more ambitious than Dick Cheney's masterwork. It has taken several forms over the last decade and is in fact the product of several ghostwriters (notably Paul Wolfowitz and Colin Powell), but Cheney has been consistent in his dedication to the ideas in the documents that bear his name, and he has maintained a close association with the ideologues behind them. Let us, therefore, call Cheney the author, and this series of documents the Plan.

The Plan was published in unclassified form most recently under the title of Defense Strategy for the 1990s, as Cheney ended his term as secretary of defense under the elder George Bush in early 1993, but it is, like ''Leaves of Grass,'' a perpetually evolving work. It was the controversial Defense Planning Guidance draft of 1992—from which Cheney, unconvincingly, tried to distance himself—and it was the somewhat less aggressive revised draft of that same year. This June it was a presidential lecture in the form of a commencement address at West Point, and in July it was leaked to the press as yet another Defense Planning Guidance (this time under the pen name of Defense Secretary Donald Rumsfeld). It will take its ultimate form, though, as America's new national security strategy—and Cheney et al. will experience what few writers have even dared dream: their words will become our reality.

The Plan is for the United States to rule the world. The overt theme is unilateralism, but it is ultimately a story of domination. It calls for the United States to maintain its overwhelming military superiority and prevent new rivals from rising up to challenge it on the world stage. It calls for dominion over friends and enemies alike. It says not that the United States must be more powerful, or most powerful, but that it must be absolutely powerful.

The Plan is disturbing in many ways, and ultimately unworkable. Yet it is being sold now as an answer to the ''new realities'' of the post-September 11 world, even as it was sold previously as the answer to the new realities of the post-Cold War world. For Cheney, the Plan has always been the right answer, no matter how different the questions.

Cheney's unwavering adherence to the Plan would be amusing, and maybe a little sad, except that it is now our plan. In its pages are the ideas that we now act upon every day with the full might of the United States military. Strangely, few critics have noted that Cheney's work has a long history, or that it was once quite unpopular, or that it was created in reaction to circumstances that are far removed from the ones we now face. But Cheney is a well-known action man. One has to admire, in a way, the Babe Ruth-like sureness of his political work. He pointed to center field ten years ago, and now the ball is sailing over the fence.

Before the Plan was about domination it was about money. It took shape in late 1989, when the Soviet threat was clearly on the decline, and, with it, public support for a large military establishment. Cheney seemed unable to come to terms with either new reality. He remained deeply suspicious of the Soviets and strongly resisted all efforts to reduce military spending. Democrats in Congress jeered his lack of strategic vision, and a few within the Bush Administration were whispering that Cheney had become an irrelevant factor in structuring a response to the revolutionary changes taking place in the world.

More adaptable was the up-and-coming General Colin Powell, the newly appointed chairman of the Joint Chiefs of Staff. As Ronald Reagan's national security adviser, Powell had seen the changes taking place in the Soviet Union firsthand and was convinced that the ongoing transformation was irreversible. Like Cheney, he wanted to avoid military cuts, but he knew they were inevitable. The best he could do was minimize them, and the best way to do that would be to offer a new security structure that would preserve American military capabilities despite reduced resources.

Powell and his staff believed that a weakened Soviet Union would result in shifting alliances and regional conflict. The United States was the only nation capable of managing the forces at play in the world; it would have to remain the preeminent military power in order to ensure the peace and shape the emerging order in accordance with American interests. U.S. military strategy, therefore, would have to shift from global containment to managing less-well-defined regional struggles and unforeseen contingencies. To do this, the United States would have to project a military ''forward presence'' around the world; there would be fewer troops but in more places. This plan still would not be cheap, but through careful restructuring and superior technology, the job could be done with 25 percent fewer troops. Powell insisted that maintaining superpower status must be the first priority of the U.S. military. ''We have to put a shingle outside our door saying, 'Superpower Lives Here,' no matter what the Soviets do,'' he said at the time. He also insisted that the troop levels be proposed were the bare minimum necessary to do so. This concept would come to be known as the ''Base Force.''

Powell's work on the subject proved timely. The Berlin Wall fell on November 9, 1989, and five days later Powell had his new strategy ready to present to Cheney. Even as decades of repression were ending in Eastern Europe, however, Cheney still could not abide even the force and budget reductions Powell proposed. Yet he knew that cuts were unavoidable. Having no alternative of his own to offer, therefore, he reluctantly encouraged Powell to present his ideas to the president. Powell did so the next day; Bush made no promises but encouraged him to keep at it.

Less encouraging was the reaction of Paul Wolfowitz, the undersecretary of defense for policy. A lifelong proponent of the unilateralist, maximum-force approach, he shared Cheney's skepticism about the Eastern Bloc and so put his own staff to work on

a competing plan that would somehow accommodate the possibility of Soviet backsliding.

As Powell and Wolfowitz worked out their strategies, Congress was losing patience. New calls went up for large cuts in defense spending in light of the new global environment. The harshest critique of Pentagon planning came from a usually dependable ally of the military establishment, Georgia Democrat Sam Nunn, chairman of the Senate Armed Services committee. Nunn told fellow senators in March 1990 that there was a ''threat blank'' in the administration's proposed $295 billion defense budget and that the Pentagon's ''basic assessment of the overall threat to our national security'' was ''rooted in the past.'' The world had changed and yet the ''development of a new military strategy that responds to the changes in the threat has not yet occurred.'' Without that response, no dollars would be forthcoming.

Nunn's message was clear. Powell and Wolfowitz began filling in the blanks. Powell started promoting a Zen-like new rationale for his Base Force approach. With the Soviets rapidly becoming irrelevant, Powell argued, the United States could no longer assess its military needs on the basis of known threats. Instead, the Pentagon should focus on maintaining the ability to address a wide variety of new and unknown challenges. This shift from a ''threat based'' assessment of military requirements to a ''capability based'' assessment would become a key theme of the Plan. The United States would move from countering Soviet attempts at dominance to ensuring its own dominance. Again, this project would not be cheap.

Powell's argument, circular though it may have been, proved sufficient to hold off Congress. Winning support among his own colleagues, however, proved more difficult. Cheney remained deeply skeptical about the Soviets, and Wolfowitz was only slowly coming around. To account for future uncertainties, Wolfowitz recommended drawing down U.S. forces to roughly the levels proposed by Powell, but doing so at a much slower pace; seven years as opposed to the four Powell suggested. He also built in a ''crisis response/reconstitution'' clause that would allow for reversing the process if events in the Soviet Union, or elsewhere, turned ugly.

With these now elements in place, Cheney saw something that might work. By combining Powell's concepts with those of Wolfowitz, he could counter congressional criticism that his proposed defense budget was out of line with the new strategic reality, while leaving the door open for future force increases. In late June, Wolfowitz, Powell, and Cheney presented their plan to the president, and within as few weeks Bush was unveiling the new strategy.

Bush laid out the rationale for the Plan in a speech in Aspen, Colorado, on August 2, 1990. He explained that since the danger of global war had substantially receded, the principal threats to American security would emerge in unexpected quarters. To counter those threats, he said, the United States would increasingly base the size and structure of its forces on the need to respond to ''regional contingencies'' and maintain a peacetime military presence overseas. Meeting that need would require maintaining the capability to quickly deliver American forces to any ''corner of the globe,'' and that would mean retaining many major weapons systems then under attack in Congress as overly costly and unnecessary, including the ''Star Wars'' missile-defense program. Despite those massive outlays, Bush insisted that the proposed restructuring would allow the United States to draw down its active forces by 25 percent in the years ahead, the same figure Powell had projected ten months earlier.

The Plan's debut was well timed. By a remarkable coincidence, Bush revealed it the very day Saddam Hussein's Iraqi forces invaded Kuwait.

The Gulf War temporarily reduced the pressure to cut military spending. It also diverted attention from some of the Plan's less appealing aspects. In addition, it inspired what would become one of the Plan's key features: the use of ''overwhelming force'' to quickly defeat enemies, a concept since dubbed the Powell Doctrine.

Once the Iraqi threat was ''contained,'' Wolfowitz returned to his obsession with the Soviets, planning various scenarios involved possible Soviet intervention in regional conflicts. The failure of the hard-liner coup against Gorbachev in August 1991, however, made it apparent that such planning might be unnecessary. Then, in late December, just as the Pentagon was preparing to put the Plan in place, the Soviet Union collapsed.

With the Soviet Union gone, the United States had a choice. It could capitalize on the euphoria of the moment by nurturing cooperative relations and developing multilateral structures to help guide the global realignment then taking place; or it could consolidate its power and pursue a strategy of unilateralism and global dominance. It chose the latter course.

In early 1992, as Powell and Cheney campaigned to win congressional support for their augmented Base Force plan, a new logic entered into their appeals. The United States, Powell told members of the House Armed Services Committee, required ''sufficient power'' to ''deter any challenger from ever dreaming of challenging us on the world stage.'' To emphasize the point, he cast the United States in the role of street thug. ''I want to be the bully on the block,'' he said, implanting in the mind of potential opponents that ''there is no future in trying to challenge the armed forces of the United States.''

As Powell and Cheney were making this new argument in their congressional rounds, Wolfowitz was busy expanding the concept and working to have it incorporated into U.S. policy. During the early months of 1992, Wolfowitz supervised the preparation of an internal Pentagon policy statement used to guide military officials in the preparation of their forces, budgets, and strategies. The classified document, known as the Defense Planning Guidance, depicted a world dominated by the United States, which would maintain its superpower status through a combination of positive guidance and overwhelming military might. the image was one of a heavily armed City on a Hill.

The DPG stated that the ''first objective'' of U.S. defense strategy was ''to prevent the re-emergence of a new rival.'' Achieving this objective required that the United States ''prevent any hostile power from dominating a region'' of strategic significance. America's new mission would be to convince allies and enemies alike ''that they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests.''

Another new theme was the use of preemptive military force. The options, the DPG noted, ranged from taking preemptive military action to head off a nuclear, chemical, or biological attack to ''punishing'' or ''threatening punishment of'' aggressors ''through a variety of means,'' including strikes against weapons-manufacturing facilities.

The DPG also envisioned maintaining a substantial U.S. nuclear arsenal while discouraging the development of nuclear programs in other countries. It depicted a ''U.S.-led system of collective security'' that implicitly precluded the need for rearmament of any king by countries such as Germany and Japan. And it called for the ''early introduction'' of a global missile-defense system that would presumably render all missile-launched weapons, including those of the United States, obsolete. (The United States would, of course, remain the world's dominant military power on the strength of its other weapons systems.)

The story, in short, was dominance by way of unilateral action and military superiority. While coalitions—such as the one formed during the Gulf War—held ''considerable promise for promoting collective action,'' the draft DPG stated, the United States should expect future alliances to be ''ad hoc assemblies, often not lasting beyond the crisis being confronted, and in many cases carrying only general agreement over the objectives to be accomplished.'' It was essential to create ''the sense that the world order is ultimately backed by the U.S.'' and essential that America position itself ''to act independently when collective action cannot be orchestrated'' or in crisis situation requiring immediate action. ''While the U.S. cannot become the world's policeman,'' the document said, ''we will retain the preeminent responsibility for addressing selectively those wrongs which threaten not only our interests, but those of our allies or friends.'' Among the interests the draft indicated the United States would defend in this manner were ''access to vital raw materials, primarily Persian Gulf oil, proliferation of weapons of mass destruction and ballistic missiles, [and] threats to U.S. citizens from terrorism.''

The DPC was leaked to the New York Times in March 1992. Critics on both the left and the right attacked it immediately. Then-presidential candidate Pat Buchanan portrayed candidate a ''blank check'' to America's allies by suggesting the United States would ''go to war to defend their interests.'' Bill Clinton's deputy campaign manager, George Stephanopoulos, characterized it as an attempt by Pentagon officials to ''find an excuse for big defense budgets instead of downsizing.'' Delaware Senator Joseph Biden criticized the Plan's vision of a ''Pax Americana, a global security system where threats to stability are suppressed or destroyed by U.S. military power.'' Even those who found the document's stated goals commendable feared that its chauvinistic tone could alienate many allies. Cheney responded by attempting to distance himself from the Plan. The Pentagon's spokesman dismissed the leaked document as a ''low-level draft'' and claimed that Cheney had not seen it. Yet a fifteen-page section opened by proclaiming that it constituted ''definitive guidance from the Secretary of Defense.''

Powell took a more forthright approach to dealing with the flap: he publicly embraced the DPG's core concept. In a TV interview, he said he believed it was ''just fine'' that the United States reign as the world's dominant military power. ''I don't think we should apologize for that,'' he said. Despite bad reviews in the foreign press, Powell insisted that America's European allies were ''not afraid'' of U.S. military might because it was ''power that could be trusted'' and ''will not be misused.''

Mindful that the draft DPG's overt expression of U.S. dominance might not fly, Powell in the same interview also trotted out a new rationale for the original Base Force plan. He argued that in a post-Soviet world, filled with new dangers, the United States needed the ability to fight on more than one front at a time. ''One of the most destabilizing things we could do,'' he said, ''is to cut our forces so much that if we're tied up in one area of the world . . . and we are not seen to have the ability to influence another area of

the world, we might invite just the sort of crisis we're trying to deter.'' This two-war strategy provided a possible answer to Nunn's ''threat blank.'' One unknown enemy wasn't enough to justify lavish defense budgets, but two unknown enemies might do the trick.

Within a few weeks the Pentagon had come up with a more comprehensive response to the DPG furor. A revised version was leaked to the press that was significantly less strident in tone, though only slightly less strident in fact. While calling for the United States to prevent ''any hostile power from dominating a region critical to our interests,'' the new draft stressed that America would act in concert with its allies—when possible. It also suggested the United Nations might take an expanded role in future political, economic, and security matters, a concept conspicuously absent from the original draft.

The controversy died down, and, with a presidential campaign under way, the Pentagon did nothing to stir it up again. Following Bush's defeat, however, the Plan reemerged. In January 1993, in his very last days in office. Cheney released a final version. The newly titled Defense Strategy for the 1990s retained the soft touch of the revised draft DPG as well as its darker themes. The goal remained to preclude ''hostile competitors from challenging our critical interests'' and preventing the rise of a new super-power. Although it expressed a ''preference'' for collective responses in meeting such challenges, it made clear that the United States would play the lead role in any alliance. Moreover, it noted that collective action would ''not always be timely.'' Therefore, the United States needed to retain the ability to ''act independently, if necessary.'' To do so would require that the United States maintain its massive military superiority. Others were not encouraged to follow suit. It was kinder, gentler dominance, but it was dominance all the same. And it was this thesis that Cheney and company nailed to the door on their way out.

The new administration tacitly rejected the heavy-handed, unilateral approach to U.S. primacy favored by Powell, Cheney, and Wolfowitz. Taking office in the relative calm of the early post—Cold War era, Clinton sought to maximize America's existing position of strength and promote its interests through economic diplomacy, multilateral institutions (dominated by the United States), greater international free trade, and the development of allied coalitions, including American-led collective military action. American policy, in short, shifted from global dominance to globalism.

Clinton also failed to prosecute military campaigns with sufficient vigor to satisfy the defense strategists of the previous administration. Wolfowitz found Clinton's Iraq policy especially infuriating. During the Gulf War, Wolfowitz harshly criticized the decision—endorsed by Powell and Cheney—to end the war once the U.N. mandate of driving Saddam's forces from Kuwait had been fulfilled, leaving the Iraqi dictator in office. He called on the Clinton Administration to finish the job by arming Iraqi opposition forces and sending U.S. ground troops to defense a base of operation for them in the southern region of the country. In a 1996 editorial, Wolfowitz raised the prospect of launching a preemptive attack against Iraq. ''Should we sit idly by,'' he wrote, ''with our passive containment policy and our inept cover operations, and wait until a tyrant possessing large quantities of weapons of mass destruction and sophisticated delivery systems strikes out at us?'' Wolfowitz suggested it was ''necessary'' to ''go beyond the containment strategy.''

Wolfowitz's objections to Clinton's military tactics were not limited to Iraq. Wolfowitz had endorsed President Bush's decision in late 1992 to intervene in Somalia on a limited humanitarian basis. Clinton later expanded the mission into a broader peacekeeping effort, a move that ended in disaster. With perfect twenty-twenty hindsight, Wolfowitz decried Clinton's decision to send U.S. troops into combat ''where there is no significant U.S. national interest.'' He took a similar stance on Clinton's ill-fated democracy-building effort in Haiti, chastising the president for engaging ''American military prestige'' on an issue'' of the little or no importance'' to U.S. interests. Bosnia presented a more complicated mix of posturing and ideologics. While running for president, Clinton had scolded the Bush Administration for failing to take action to stem the flow of blood in the Balkans. Once in office, however, and chastened by their early misadventures in Somalia and Haiti, Clinton and his advisers struggled to articulate a coherent Bosnia policy. Wolfowitz complained in 1994 of the administration's failure to ''develop an effective course of action.' He personally advocated arming the Bosnian Muslims in their fight against the Serbs. Powell, on the other hand, publicly cautioned against intervention. In 1995 a U.S.-led NATO bombing campaign, combined with a Croat-Muslim ground offensive, forced the Serbs into negotiations, leading to the Dayton Peace Accords. In 1999, as Clinton rounded up support for joint U.S.-NATO action in Kosovo, Wolfowitz hectored the president for failing to act quickly enough.

After eight years of what Cheney et al. regarded as wrong-headed military adventures and pinprick retaliatory strikes, the Clinton Administration—mercifully, in their view—came to an end. With the ascension of George W. Bush to the presidency, the authors of the Plan returned to government, ready to pick up where they had left off. Cheney of course, became vice president, Powell became secretary of state, and Wolfowitz moved into the number two slot at the Pentagon, as Donald Rumsfeld's deputy. Other contributors also returned: Two prominent members of the Wolfowitz team that crafted the original DPG took up posts on Cheney's staff. I. Lewis ''Scooter'' Libby, who served as Wolfowitz's deputy during Bush I, became the vice president's chief of staff and national security adviser. And Eric Edelman, an assistant deputy undersecretary of defense in the first Bush Administration, became a top foreign policy adviser to Cheney.

Cheney and company had not changed their minds during the Clinton interlude about the correct course for U.S. policy, but they did not initially appear bent on resurrecting the Plan. Rather than present a unified vision of foreign policy to the world, in the early going the administration focused on promoting a series of seemingly unrelated initiatives. Notable among these were missile defense and space-based weaponry, longstanding conservative causes. In addition, a distinct tone of unilateralism emerged as the new administration announced its intent to abandon the Anti-Ballistic Missile Treaty with Russia in order to pursue missile defense; its opposition to U.S. ratification of an international nuclear-test-ban pact; and its refusal to become a party to an International Criminal Court. It also raised the prospect of ending the self-imposed U.S. moratorium on nuclear testing initiated by the President's father during the 1992 presidential campaign. Moreover, the administration adopted a much tougher diplomatic posture, as evidenced, most notably, by a distinct hardening of relations with both China and North Korea. While none of this was inconsistent with the concept of U.S. dominance, these early actions did not, at the time, seem to add up to a coherent strategy.

It was only after September 11 that the Plan emerged in full. Within days of the attacks, Wolfowitz and Libby began calling for unilateral military action against Iraq, on the shaky premise that Osama bin Laden's Al Qaeda network could not have pulled off the assaults without Saddam Hussein's assistance. At the time, Bush rejected such appeals, but Wolfowitz kept pushing and the President soon came around. In his State of the Union address in January, Bush labeled Iraq, Iran, and North Korea an ''axis of evil,'' and warned that he would ''not wait on events'' to prevent them from using weapons of mass destruction against the United States. He reiterated his commitment to preemption in his West Point speech in June. ''If we wait for threats to fully materialize we will have waited too long,'' he said. ''We must take the battle to the enemy, disrupt his plans and confront the worst threats before they emerge.'' Although it was less noted, Bush in that same speech also reintroduced the Plan's central theme. He declared that the United States would prevent the emergence of a rival power by maintaining ''military strengths beyond the challenge.'' With that, the President effectively adopted a strategy his father's administration had developed ten years earlier to ensure that the United States would remain the world's preeminent power. While the headlines screamed ''preemption,'' no one noticed the declaration of the dominance strategy.

In case there was any doubt about the administration's intentions, the Pentagon's new DPG lays them out. Signed by Wolfowitz's new boss, Donald Rumsfeld, in May and leaked to the Los Angeles Times in July, it contains all the key elements of the original Plan and adds several complementary features. The preemptive strikes envisioned in the original draft DPG are now ''unwarned attacks.'' The old Powell-Cheney notion of military ''forward presence'' is now ''forwarded deterrence.'' The use of overwhelming force to defeat an enemy called for in the Powell Doctrine is now labeled an ''effects based'' approach.

Some of the names have stayed the same. Missile defense is back, stronger than ever, and the call goes up again for a shift from a ''threat based'' structure to a ''capabilities based'' approach. The new DPG also emphasizes the need to replace the so-called Cold War strategy of preparing to fight two major conflicts simultaneously with what the Los Angeles Times refers to as ''a more complex approach aimed at dominating air and space on several fronts.'' This, despite the fact that Powell had originally conceived—and the first Bush Administration had adopted—the two-war strategy as a means of filling the ''threat blank'' left by the end of the Cold War.

Rumsfeld's version adds a few new ideas, most impressively the concept of preemptive strikes with nuclear weapons. These would be earth-penetrating nuclear weapons used for attacking ''hardened and deeply buried targets,'' such as command-and-control bunkers, missile silos, and heavily fortified underground facilities used to build and store weapons of mass destruction. The concept emerged earlier this year when the administration's Nuclear Posture Review leaked out. At the time, arms-control experts warned that adopting the NPR's recommendations would undercut existing arms-control treaties, do serious harm to nonproliferation efforts, set off new rounds of testing, and dramatically increase the prospectus of nuclear weapons being used in combat. Despite these concerns, the administration appears intent on developing the weapons. In a final flourish, the DPG also directs the military to develop cyber-, laser-,

and electronic-warfare capabilities to ensure U.S. dominion over the heavens.

Rumsfeld spelled out these strategies in Foreign affairs earlier this year, and it is there that he articulated the remaining elements of the Plan; unilateralism and global dominance. Like the revised DPG of 1992, Rumsfeld feigns interest in collective action but ultimately rejects it as impractical. ''Wars can benefit from coalitions,'' he writes, '' but they should not be fought by committee.'' And coalitions, he adds, ''must not determine the mission.'' The implication is the United States will determine the missions and lead the fights. Finally, Rumsfeld expresses the key concept of the Plan: preventing the emergence of rival powers. Like the original draft DPG of 1992, he states that America's goal is to develop and maintain the military strength necessary to ''dissuade'' rivals or adversaries from ''competing.'' with no challengers, and a proposed defense budget of $379 billion for next year, the United States would reign over all its surveys.

Reaction to the latest edition of the Plan has, thus far, focused on preemption. Commentators parrot the administration's line, portraying the concept of preemptory strikes as a ''new'' strategy aimed at combating terrorism. In an op-ed piece for the Washington Post following Bush's West Point address, former Clinton adviser William Galston described preemption as part of a ''brand-new security doctrine,'' and warned of possible negative diplomatic consequences. Others found the concept more appealing. Loren Thompson of the conservative Lexington Institute hailed the ''Bush Doctrine'' as ''a necessary response to the new dangers that America faces'' and declared it ''the biggest shift in strategic thinking in two generations.'' Wall Street Journal editor Robert Bartley echoed that sentiment, writing that ''no talk of this ilk has been heard from American leaders since John Foster Dulles talked of rolling back the Iron Curtain.''

Preemption, of course, is just part of the Plan, and the Plan is hardly new. It is a warmed-over version of the strategy Cheney and his coauthors rolled out in 1992 as the answer to the end of the Cold War. Then the goal was global dominance, and it met with bad reviews. Now it is the answer to terrorism. The emphasis is on preemption, and the reviews are generally enthusiastic. Through all of this, the dominance motif remains, though largely undetected.

This country once rejected ''unwarned'' attacks such as Pearl Harbor as barbarous and unworthy of a civilized nation. Today many cheer the prospect of conducting sneak attacks—potentially with nuclear weapons—on piddling powers run by tin-pot despots.

We also once denounced those who tried to rule the world. Our primary objection (at least officially) to the Soviet Union as its quest for global domination. Through the successful employment of the tools of containment, deterrence, collective security, and diplomacy—the very methods we now reject—we rid ourselves and the world of the Evil Empire. Having done so, we now pursue the very thing for which we opposed it. And now that the Soviet Union is gone, there appears to be no one left to stop us.

Perhaps, however, there is. The Bush Administration and its loyal opposition seem not to grasp that the quests for dominance generate backlash. Those threatened with preemption may themselves launch preemptory strikes. And even those who are successfully ''preempted'' or dominated may object and find means to strike back. Pursuing such strategies may, paradoxically, result in greater factionalism and rivalry, precisely the things we seek to end.

Not all Americans share Colin Powell's desire to be ''the bully on the block.'' In fact, some believe that by following a different path the United States has an opportunity to establish a more lasting security environment. As Dartmouth professors Stephen Brooks and William Woblforth wrote recently in Foreign Affairs, ''Unipolarity makes it possible to be the global bully—but it also offers the United States the luxury of being able to look beyond its immediate needs to its own, and the world's, long-term interests. . . . Magnanimity and restraint in the face of temptation are tenets of successful statecraft that have proved their worth.'' Perhaps, in short, we can achieve our desired ends by means other than global domination.

[From the Wall Street Journal, Aug. 15, 2002]

DON'T ATTACK SADDAM—IT WOULD UNDERMINE OUR ANTITERROR EFFORTS

(By Brent Scowcroft)

Our nation is presently engaged in a debate about whether to launch a war against Iraq. Leaks of various strategies for an attack on Iraq appear with regularity. The Bush administration vows regime change, but states that no decision has been made whether, much less when, to launch an invasion.

It is beyond dispute that Saddam Hussein is a menace. He terrorizes and brutalizes his own people. He has launched war on two of his neighbors. He devotes enormous effort to rebuilding his military forces and equipping them with weapons of mass destruction. We will all be better off when he is gone.

That said, we need to think through this issue very carefully. We need to analyze the relationship between Iraq and our other pressing priorities—notably the war on terrorism—as well as the best strategy and tactics available were we to move to change the regime in Baghdad.

Saddam's strategic objective appears to be to dominate the Persian Gulf, to control oil from the region, or both.

That clearly poses a real threat to key U.S. interests. But there is scant evidence to tie Saddam to terrorist organizations, and even less to the Sept. 11 attacks. Indeed Saddam's goals have little in common with the terrorists who threaten us, and there is little incentive for him to make common cause with them.

He is unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists who would use them for their own purposes and leave Baghdad as the return address. Threatening to use these weapons for blackmail—much less their actual use—would open him and his entire regime to a devastating response by the U.S. While Saddam is thoroughly evil, he is above all a power-hungry survivor.

Saddam is a familiar dictatorial aggressor, with traditional goals for his aggression. There is little evidence to indicate that the United States itself is an object of his aggression. Rather, Saddam's problem with the U.S. appears to be that we stand in the way of his ambitions. He seeks weapons of mass destruction not to arm terrorists, but to deter us from intervening to block his aggressive designs.

Given Saddam's aggressive regional ambitions, as well as his ruthlessness and unpredictability, it may at some point be wise to remove him from power. Whether and when that point should come ought to depend on overall U.S. national security priorities. Our pre-eminent security priority—underscored repeatedly by the president—is the war on terrorism. An attack on Iraq at this time would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken.

The United States could certainly defeat the Iraqi military and destroy Saddam's regime. But it would not be a cakewalk. On the contrary, it undoubtedly would be very expensive—with serious consequences for the U.S. and global economy—and could as well be bloody. In fact, Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses.

Israel would have to expect to be the first casualty, as in 1991 when Saddam sought to bring Israel into the Gulf conflict. This time, using weapons of mass destruction, he might succeed, provoking Israel to respond, perhaps with nuclear weapons, unleashing an Armageddon in the Middle East. Finally, if we are to achieve our strategic objectives in Iraq, a military campaign very likely would have to be followed by a large-scale, long-term military occupation.

But the central point is that any campaign against Iraq, whatever the strategy, cost and risks, is certain to divert us for some indefinite period from our war on terrorism. Worse, there is a virtual consensus in the world against an attack on Iraq at this time. So long as that sentiment persists, it would require the U.S. to pursue a virtual go-it-alone strategy against Iraq, making any military operations correspondingly more difficult and expensive. The most serious cost, however, would be to the war on terrorism. Ignoring that clear sentiment would result in a serious degradation in international cooperation with us against terrorism. And make no mistake, we simply cannot win that war without enthusiastic international cooperation, especially on intelligence.

Possibly the most dire consequences would be the effect in the region. The shared view in the region is that Iraq is principally an obsession of the U.S. The obsession of the region, however, is the Israeli-Palestinian conflict. If we were seen to be turning our backs on that bitter conflict—which the region, rightly or wrongly, perceives to clearly within our power to resolve—in order to go after Iraq, there would be an explosion of outrage against us. We would be seen as ignoring a key interest of the Muslim world in order to satisfy what is seen to be a narrow American interest.

Even without Israeli involvement, the results could well destabilize Arab regimes in the region, ironically facilitating one of Saddam's strategic objectives. At a minimum, it would stifle any cooperation on terrorism, and could even swell the ranks of the terrorists. Conversely, the more progress we make in the war on terrorism, and the more we are seen to be committed to resolving the Israel-Palestinian issue, the greater will be the international support for going after Saddam.

If we are truly serious about the war on terrorism, it must remain our top priority. However, should Saddam Hussein be found to be clearly implicated in the events of Sept. 11, that could make him a key counterterrorist target, rather than a competing priority, and significantly shift world opinion toward support for regime change.

In any event, we should be pressing the United Nations Security Council to insist on an effective no-notice inspection regime for Iraq—any time, anywhere, no permission required. On this point, senior administration officials have opined that Saddam Hussein would never agree to such an inspection regime. But if he did, inspections would serve to keep him off balance and under close observation, even if all his weapons of mass destruction capabilities were not uncovered. And if he refused, his rejection could provide the persuasive casus belli which many claim we do not now have. Compelling evidence that Saddam had acquired nuclear-weapons capability could have a similar effect.

In sum, if we will act in full awareness of the intimate interrelationship of the key issues in the region, keeping counterterrorism as our foremost priority, there is much potential for success across the entire range of our security interests—including Iraq. If we reject a comprehensive perspective, however, we put at risk our campaign against terrorism as well as stability and security in a vital region of the world.

[From the New York Times, Aug. 25, 2002]

THE RIGHT WAY TO CHANGE A REGIME

(By James A. Baker III)

PINEDALE, WYO.—While there may be little evidence that Iraq has ties to Al Qaeda or to the attacks of Sept. 11, there is no question that its present government, under Saddam Hussein, is an outlaw regime, is in violation of United Nations Security Council resolutions, is embarked upon a program of developing weapons of mass destruction and is a threat to peace and stability, both in the Middle East and, because of the risk of proliferation of these weapons, in other parts of the globe. Peace-loving nations have a moral responsibility to fight against the development and proliferation of weapons of mass destruction by rogues like Saddam Hussein. We owe it to our children and grandchildren to do so, and leading that fight is, and must continue to be, an important foreign policy priority for America.

And thus regime change in Iraq is the policy of the current administration, just as it was the policy of its predecessor. That being the case, the issue for policymakers to resolve is not whether to use military force to achieve this, but how to go about it.

Covert action has been tried before and failed every time, Iraqi opposition groups are not strong enough to get the job done. It will not happen through internal revolt, either of the army or the civilian population. We would have to be extremely lucky to take out the top leadership through insertion into Iraq of a small rapid-strike force. And this last approach carries significant political risks for the administration, as President Jimmy Carter found out in April 1980.

The only realistic way to effect regime change in Iraq is through the application of military force, including sufficient ground troops to occupy the country (including Baghdad), depose the current leadership and install a successor government. Anyone who thinks we can effect regime change in Iraq with anything less than this is simply not realistic. It cannot be done on the cheap. It will require substantial forces and substantial time to put those forces in place to move. We had over 500,000 Americans, and more soldiers from our many allies, for the Persian Gulf war. There will be casualties, probably quite a few more than in that war, since the Iraqis will be fighting to defend their homeland. Sadly, there also will be civilian deaths. We will face the problem of how long to occupy and administer a big, fractious country and what type of government or administration should follow. Finding Saddam Hussein and his top associates will be difficult. It took us two weeks to locate Manuel Noriega in Panama, a small country where we had military bases.

Unless we do it in the right way, there will be costs to other Americans foreign policy interests, including our relationships with practically all other Arab countries (and even many of our customary allies in Europe and elsewhere) and perhaps even to our top foreign policy priority, the war on terrorism.

Finally, there will be the cost to the American taxpayer of a military undertaking of this magnitude. The Persian Gulf war cost somewhere in the range of $60 billion, but we were able to convince our many allies in that effort to bear the brunt of the costs.

So how should we proceed to effect regime change in Iraq?

Although the United States could certainly succeed, we should try our best not to have to go it alone, and the president should reject the advice of those who counsel doing so. The costs in all areas will be much greater, as will the political risks, both domestic and international, if we end up going it alone or with only one or two other countries.

The president should do his best to stop his advisers and their surrogates from playing out their differences publicly and try to get everybody on the same page.

The United States should advocate the adoption by the United Nations Security Council of a simple and straightforward resolution that Iraq submit to intrusive inspections anytime, anywhere, with no exceptions, and authorizing all necessary means to enforce it. Although it is technically true that the United Nations already has sufficient legal authority to deal with Iraq, the failure to act when Saddam Hussein ejected the inspectors has weakened that authority. Seeking new authorization now is necessary, politically and practically, and will help build international support.

Some will argue, as was done in 1990, that going for United Nations authority and not getting it will weaken our case. I disagree. By proposing to proceed in such a way, we will be doing the right thing, both politically and substantively. We will occupy the moral high ground and put the burden of supporting an outlaw regime and proliferation of weapons of mass destruction on any countries that vote no. History will be an unkind judge for those who prefer to do business rather than to do the right thing. And even if the administration fails in the Security Council, it is still free—citing Iraq's flouting of the international community's resolutions and perhaps Article 51 of the United Nations Charter, which guarantees a nation's right to self-defense—to weigh the costs versus the benefit of going forward alone.

Others will argue that this approach would give Saddam Hussein a way out because he might agree and then begin the ''cheat-and-retreat'' tactics he used during the first inspection regime. And so we must not be deterred. The first time he resorts to these tactics, we should apply whatever means are necessary to change the regime. And the international community must know during the Security Council debate that this will be our policy.

We should frankly recognize that our problem in accomplishing regime change in Iraq is made more difficult by the way our policy on the Arab-Israeli dispute is perceived around the world. Sadly, in international politics, as in domestic politics, perception is sometimes more important than reality. We cannot allow our policy toward Iraq to be linked to the Arab-Israeli dispute, as Saddam Hussein will cynically demand, just as he did in 1990 and 1991. But to avoid that, we need to move affirmatively, aggressively, and in a fair and balanced way to implement the president's vision for a settlement of the Arab-Israeli dispute, as laid out in his June speech. That means, of course, reform by Palestinians and an end to terror tactics. But it also means withdrawal by Israeli forces to positions occupied before September 2000 and an immediate end to settlement activity.

If we are to change the regime in Iraq, we will have to occupy the country militarily. The costs of doing so, politically, economically and an terms of casualties, could be great. They will be lessened if the president brings together an international coalition behind the effort. Doing so would also help in achieving the continuing support of the American people, a necessary prerequisite for any successful foreign policy.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Spratt approach is the correct approach. It says that the President, should go to the United Nations, go to Kofi Annan and tell him that we authorize President Bush to use all of the Armed Forces necessary to eliminate the chemical, the biological and the nuclear weapons of Saddam Hussein; and if Kofi Annan and the U.N. say, ''no, we will not authorize that,'' then it says that the President can come back to the United States Congress immediately, and then we would authorize the President to go in to Iraq with any other Nation in the world that would want to join us, and we will ensure that the chemical, biological and nuclear weapons of Saddam Hussein are taken from his possession.

This is the way to go. If the U.N. says no, then we can say ''yes'' but the President has an obligation to go to the United Nations first and to find out if Kofi Annan and the U.N. we will not forcibly ensure that these weapons of mass destruction are confiscated.

Vote yes on Spratt.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I would like to state my strong support for the gentleman from South Carolina's (Mr. SPRATT) substitute.

As a member of the Committee on Armed Services, I am deeply concerned by the threat posed by Saddam Hussein's weapons of mass destruction, but I also strongly believe that the United States has a responsibility as the world's only superpower to set a standard for international behavior. We must consider every peaceable alternative and contemplate every possible outcome before we turn to force.

The gentleman from South Carolina's (Mr. SPRATT) amendment is invaluable because it strengthens America's position at the United Nations in support of new Security Council resolutions that Secretary Powell is negotiating as we speak.

The gentleman from South Carolina's (Mr. SPRATT) amendment sends a strong signal to our allies and to Saddam that the United States is committed to defeating the threat posed by Iraqi weapons of mass destruction.

It ensures that our actions have international legitimacy and that, just like in 1991, we share the cost of war with our allies instead of putting the burden solely on the American people.

If we are unable to secure resolution at the U.N., it provides for expedited congressional consideration of a joint resolution authorizing the use of force.

I encourage my colleagues to vote for the Spratt amendment.

□ 1145

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. CLYBURN), my colleague.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from my home State for yielding me this time and for his leadership on this and many other issues in this body.

Mr. Speaker, there is not a single Member of this body who does not believe Saddam Hussein is a tyrant who has murdered his own people, violated U.N. sanctions, and thumbed his nose at the world community. However, this body and our Nation are deeply divided as to the proper course of action at this juncture.

My cosponsorship of the Spratt amendment reflects that uncertainty among my constituents. The American people and our allies around the world have placed calls to my office expressing overwhelming lack of support for preemptive military action. Shoot now and ask questions later has never been the American way and it should not be it now.

It is an awesome responsibility to have the power to set events in motion that could forever alter another country, an entire region, not to mention our Nation's future relationships in the world community. We should not put the lives of our youth at risk and further fuel the fervor of terrorist actions against our homeland. We should not duck our responsibilities as Members of Congress. I believe this substitute is the best action to take at this particular juncture.

Many of us lived through Vietnam and saw its wretched effects on our Nation. This is not the time to commit to an unpopular unilateral act of aggression, especially one with such great potential for devastating consequences.

Mr. Speaker, just because we can do it does not mean we should.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute.

History is an exciting adventure. On April 28, 1999, in this very Chamber, right where we are now, this House voted to allow the President, President Clinton, without any U.N. resolution, to take military action: Bombing in Kosovo. And among those who voted to allow the President to do this, without a U.N. resolution, but to go ahead, gung ho, was virtually everybody that has spoken on that side of the Chamber.

Absolutely, I applaud them. I do not know what changed them, why they now demand we process this through the U.N., but they did not feel that way back then, in April of 1999, and I have the rollcall if anybody cares to see it. But everybody voted to bomb Kosovo. Now, is that because that was President Clinton? There must be some explanation.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I rise in strong agreement with all of the essential premises of the Spratt resolution and urge a ''no'' vote because of its conclusion. The Spratt resolution, like the Lee resolution before it, spells out precisely all of the reasons that we are here today; that Saddam Hussein and Iraq have unconditionally agreed to destroy all chemical and biological weapons there, ballistic missiles, to stop the development and the seeking of nuclear weapons; that Iraq unconditionally agreed to immediate inspections.

The Spratt resolution goes on to say, and would have this Congress find, that Iraq and Saddam Hussein have ''flagrantly violated these unconditional terms.'' The Spratt resolution goes on to say that Saddam Hussein and Iraq are currently supporting international terrorism and continuing to develop chemical and biological weapons and actively seeking nuclear weapons and the ballistic missiles to deliver them. But here, unlike the Lee resolution before it, the Spratt resolution does not denounce the use of force but rather says that at this time we should have a U.N. resolution that expressly authorizes the use of force; and, if such a U.N. resolution is adopted, then, by section 3 of this Spratt resolution, the Congress today would have anticipatorily authorized the use of force, expressly authorized President Bush to use military force to eliminate weapons of mass destruction and missiles.

It even provides an expedited procedure for the President to get Congressional authority for war if the U.N. does not act. In short, this resolution, an alternative resolution that we are now considering, accepts every single premise of House Joint Resolution 114 that is supported by President Bush, the Speaker of the House, the Democratic leader of the House, the Republican leader of the Senate, and, as of today, the Democratic leader of the Senate.

The Spratt resolution accepts the operative conclusion of House Joint Resolution 114 that the authorization of military force is essential. It is essential if this time we are to succeed where 16 past U.N. resolutions have failed. So the only real difference is that this different way of going after all of the same objectives, based on all of the same premises, this Rube Goldberg mechanism that we have set up, will scuttle the broad agreement that has been reached among the House, the Senate, and the executive and legislative branches, this consensus that America will stand as one.

This resolution will jeopardize, in fact, passage of the very U.N. resolution that it purports to support.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from California (Mr. COX) is right, there are similarities in the two resolutions. The issue, though, is whether we are going to emphasize going together or going it alone. The difference is whether we are going to emphasize collective action, trying the U.N. first, or whether we are going to give to this President now the right to act unilaterally, without going back to this Congress.

We will strengthen the voice of the American people and we will speak with one voice more under the Spratt resolution because there is a division in this House under the resolution that has been brought forth on the majority side. If we want to speak with one voice, let us say try collective action. If it works, we will have acted together, as we did in Bosnia through NATO. If it does not, Mr. President, come back here on an expedited basis and we will act. That is the best chance for one voice.

A very vital vote here today will be on the Spratt resolution. I think it is the wise way to go and is consonant with where the American people are.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his extraordinary leadership in presenting this option to the House of Representatives. I also want to commend him for his leadership as a person who speaks for our Armed Services in this Congress, his commitment to provide for the common defense, as provided for in the Preamble of our Constitution. Today, we are all benefiting from his wisdom.

The Spratt substitute, Mr. Speaker, captures many of the concerns of the American people who overwhelmingly support a multilateral approach to dealing with Saddam Hussein. The Spratt substitute also honors the Constitution when it says that Congress shall declare war.

Some who have opposed the Spratt substitute have done so on the basis that we do not have time to come back to the Congress. This is simply not true. As called for in the Spratt substitute, should the Security Council fail to act in a satisfactory way, we come back to the Congress.

I want to speak to the issue of time by quoting what is now declassified but is contained in a letter from the Director of the Central Intelligence Agency to the chairman of the Senate Permanent Select Committee on Intelligence, this letter, signed by George Tenet. When asked if Saddam did not feel threatened, is it likely he would initiate an attack using a weapon of mass destruction, the Director of Central Intelligence responds in this letter and says, ''My judgment would be that the probability of him,'' Saddam, ''initiating an attack, let me put a time frame on it, in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.''

This is the Director of Central Intelligence saying the likelihood of Saddam initiating an attack using weapons of mass destruction, the likelihood, would be low. So it is not about time. It is about the Constitution. It is about

this Congress asserting its right to declare war when we are fully aware of what the challenges are to us, and it is about respecting the United Nations and a multilateral approach, which is safer for our troops.

Force protection. I have been on the Permanent Select Committee on Intelligence for 10 years, longer than anyone. My service there is coming to an end. But in the time that I have been there, force protection is one of our top priorities, to protect the men and women in uniform.

This letter goes on to say, ''If we initiate an attack,'' if he felt he was threatened, ''if we initiate an attack and he thought he was in extremis or otherwise, what is the likelihood in response to our attack that he would use chemical and biological weapons?'' The response, ''Pretty high.''

We are placing our young people in harm's way in a way that can be avoided by taking a multilateral approach first. I commend the gentleman from South Carolina for his leadership. I will support this with great pride, and I thank him for giving us that opportunity.

Mr. SPRATT. Mr. Speaker, could I inquire of the Chair how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. SPRATT) has 4 minutes remaining, and the gentleman from Illinois (Mr. HYDE) has 4 minutes remaining.

Mr. SPRATT. And the gentleman from Illinois has the right to close, or do I have the right to close?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) has the right to close.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time to respond to some arguments that have been raised. Let me go back to Public Law 102–1; the allegation that somehow, somewhere this bill supplants it.

Far from supplanting that bill, which was the Afghan War Powers Act, we reassert in this legislation the primacy of our policy, and that is to go after al Qaeda. We do that by saying to the President, before we go off in pursuit of another armed objective, military objective, we want you to tell us that this is not going to divert our focus from the primary objective, which is to get the guys that did what they did in New York on 9/11. We do not want to divert or dilute our focus from that at all. That is in the centerpiece of this particular bill.

My good friend, the gentleman from Illinois (Mr. HYDE), has said that many of us on this side of the aisle voted for action in Kosovo. I did. And I am proud of it because we stopped another butchery in the backyard of Europe by doing so. We did not go to the U.N. then, and the gentleman knows why. Because the Russians are on the Security Council and they would have blocked us.

Politics and diplomacy is a pragmatic thing. That is why we did not go there. But it was multilateral, because it was an undertaking by NATO, and we tried to use collective defense in that particular case. It simply proves the points.

Now, let me say something else that I said at the outset because it is important. A lot of good people have argued that we are relying too much, too heavily on the U.N., and specifically on the Security Council, because that is really the body that applies here. But I was here in 1991, and when President Bush asked for a vote to go to war in the Persian Gulf, I was one of 86 on this side of the aisle who said you have got my support, Mr. President.

□ 1200

But remember what he did then, just days after Iraq's invasion of Kuwait, President Bush said this invasion will not stand, but he also declared his vision was nothing less than a new world order. His words, a new world order.

He turned first to the United Nations and went to the Security Council and got the first in a series of resolutions that culminated in Resolution 678 which authorized the use of force. President Bush obtained all those Security Council resolutions, with our support, but without an express war powers resolution until literally days before the war began.

Rather than asserting that he could go it alone, stiffing the Security Council, he sought the Security Council approval. He sought allies to stand with us and cover approximately $62 billion out of the $66 billion total cost of the war. The result, a successful military action, a successful diplomacy, and I think a model worth emulating. And that is exactly what this resolution does.

Where does this resolution come from? A couple of weeks ago, we had one of the last of the general officers who testified before our committee who has experience in this area, Wes Clarke, whom I greatly respect. He is certainly no warrior who shrinks from a fight. He was always advocating force in Bosnia to straighten out that situation there and in the Balkans.

Here is what he told us. He said, First of all, time is on your side right now. Make the maximum advantage of it. First go for beefed-up arms inspections, a more truthful inspections program. This will have a couple of benefits. It will constrain Saddam, and it will give you legitimacy when he ultimately bucks you.

Secondly, he said, our diplomacy will be further strengthened if we have an act adopted by Congress expressing our resolve to use force if necessary. But he said the resolution need not at this point authorize the use of force. It need simply agree on the intent to authorize the use of force if other measures fail.

Mr. Speaker, that is exactly what we have done, both of those things.

Finally, he said, If efforts to resolve the problems by the United Nations fail, seek the broadest possible coalition to bring force to bear.

We have done what General Clark has recommended. It is embodied in this resolution. It follows the precedent set by President Bush. It is worthy of every Member's support, and I hope Members will vote for it.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. GRAHAM).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. GRAHAM) is recognized for 4 minutes.

Mr. GRAHAM. Mr. Speaker, this is a very worthy, appropriate debate and could not be more serious.

The gentleman from Connecticut, a very good friend of mine whom I admire greatly, indicated that, in his opinion, the Spratt resolution would strengthen the hand of the President.

Here is what the President believes. He rejects that. He does not believe that the Spratt resolution strengthens his hand.

He asked us Monday night to come together and speak with one voice. What has happened over the last few weeks is amazing, and the American public should rejoice in it. The Speaker of the House, the minority leader, a group of bipartisan Senators, MCCAIN and LIEBERMAN and others, have sat down with the White House and have structured a resolution that gives a one-voice approach to a very serious problem for our country.

I am not here to tell Members that they should follow blindly their President or their leadership. God knows, I have never been accused of that. But in matters such as this, we must try to achieve consensus because so much is at stake.

Many watch what we say and do here. Please do not believe otherwise. We will either be stronger, or weaker, in our ability to negotiate and to make the world safer. There is strength in HASTERT, GEPHARDT, HYDE and LANTOS. The strength comes from the Speaker, the minority leader, committee chairmen and ranking members and the President reaching consensus. No disrespect to the gentleman from South Carolina (Mr. SPRATT), but that is strength. The Spratt resolution would show weakness.

It would be a defeat for the House leadership. It would be a defeat for our President. Other Members can write the headlines tomorrow. I choose not to write that headline because our enemies are watching, and they read.

The Spratt resolution, I think, is ill-advised and ill-structured. To suggest that our President is not working with the United Nations would be wrong. The Speaker, the minority leader, and a bipartisan group of Senators believe he is; and the facts are clear that he is. He is working with our allies. He is trying to find a way to disarm this terrible, evil person before he does more damage.

The resolution that the gentleman from South Carolina (Mr. SPRATT) is asking us to adopt not only would be a

rejection of this consensus, but it would mandate by U.S. law that the United Nations act before the President can act.

I speak again. The U.S. Congress would be telling the President he must go to the U.N. and he must win their political game. We would be making our President win a political game that I do not want to put him in.

I believe the resolution is clear on what would be required of the President before he could act. U.N. politics takes a dominance in the Spratt amendment, not the one we are trying to support here today.

If he loses the U.N. political battle, the President comes back to this body, and just imagine the frenzy. Write those headlines. The President comes back a loser in U.N. politics, and the forces in this world will seize upon that, and we will be weaker, not stronger, more division, a horrible scenario. Please reject it. I know many Members want to vote yes/yes. That may be good politics, but it would be bad for the country.

Mr. Speaker, there are forces for good in this world, none greater than the U.S. Congress. Use our powers wisely. The world is watching.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that positions of Senators may not be characterized beyond identifying a Senator as a sponsor of a measure.

Mr. HOLT. Mr. Speaker, I rise in support of the Spratt amendment to H.J. Res. 114. I applaud the respected gentleman from South Carolina, Mr. SPRATT, for his hard work and good sense on this amendment.

This proposal is not perfect. I also question whether this amendment will, in practice, serve as an adequate check on the Administration's rush to act unilaterally in Iraq.

But this Amendment is by far the best option we have on the floor today. It recognizes what the other two options on the floor do not: that while the U.S. may ultimately need to act alone to disarm Iraq, we should do so only if it is absolutely necessary.

The Spratt Amendment authorizes the use of the U.S. armed forces to support any new U.N. Security Council resolution that mandates the elimination, by force if necessary, of all Iraqi weapons of mass destruction.

If, in the absence of a satisfactory U.N. Security Council resolution, the President determines it is necessary to proceed with force, it calls on the President to seek the authorization of Congress and provides expedited consideration for authorization.

I firmly believe that military force should not be used until after the U.N. inspections. Force should not be used until all diplomatic channels have been exercised. And we should clearly understand what will be required for rebuilding the country. There are several good aspects of the Spratt Resolution worth emphasizing: it discusses force in the context of disarming Saddam Hussein, not as regime change; it places the burden of enforcing U.N. resolutions on the U.N. Security Council; and it allows the U.S. to act if the Security Council does not adequately fulfill its responsibility.

This is a reasoned approach that rejects the use of unilateral action, of preemptive action, and preserves the checks and balances that are required of our government.

I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Speaker, I am supporting the Spratt amendment because it provides many safeguards to war—it authorizes the use of force through a new UN Security Council Resolution; however, should the UN not adopt a resolution sanctioning the use of force or not take any action at all, the amendment would allow the President, if he deemed the UN Security Council's action insufficient, to come to Congress to obtain authorization to use the United States Armed Forces against Iraq. Most importantly, the Spratt amendment allows Congress to retain its rightful role in the constitutional process as the body having the authority to declare war.

The Spratt amendment is an especially important safeguard—becasue it would give the United Nations, essentially, the World, time to examine the threat that Hussein poses and then, in a sobering fashion, make a determination as to whether a new resolution regarding the elimination of Iraq's weapons of mass destruction should be adopted or whether to use of force is the appropriate response to the threat that Saddam Hussein poses.

We must not move hastily to the sobering decision to use force against another country. As it was discovered yesterday, it is now known that the CIA has concluded Saddam Hussein is unlikely to initiate a chemical or biological attack against the United States. Based on this CIA assessment, an attack on Iraq could provide the very thing the President claims he is trying to forestall—the use of chemical or biological weapons by Saddam.

I believe it is extremely important that exhaust all avenues of peace, make use of all safeguards prior to sending our troops into battle. We cannot be injudicious, premature or inaccurate in our decision to go to war. The Spratt amendment makes the possibility of a unilateral attack on Iraq the last option—not the first. Lets give the UN and the U.S. a greater ability work towards a peaceful resolution of our concerns with Saddam Hussein.

Mr. CAPUANO. Mr. Speaker, the substitute amendment introduced by Mr. SPRATT improves on the base resolution, H.J. Res. 114, because it requires that the United States continue working with the United Nations to enforce existing Security Council Resolutions and to craft stronger resolutions addressing concerns over weapons of mass destruction in Iraq. Instead of simply handing the President a blank check to wage war, this amendment urges the President to continue working with the UN Security Council.

I will vote for the Spratt amendment because I believe it is a better alternative than the base resolution. I do not believe that the amendment will pass. If it does, however, I will vote No on final passage because I do not believe that the Spratt amendment does enough to explore all options resorting to war.

Mr. WAXMAN. Mr. Speaker, we face today one of the most important questions that can ever come before us as Members of Congress: whether to authorize the use of force, and commit the men and women of our armed forces to defend liberty and to protect the United States, at the possible cost of their lives—and the lives of many in a country far from our shores.

It is an issue Americans care deeply about. I have received hundreds of calls during the past few weeks, and many of my constituents are raising similar and very serious concerns.

They are suspicious of the timing of this debate. They see political overtones to it, and question whether this vote is being used as political purposes.

Many are worried about the precedent of a preemptive and unilateral attack, and how that precedent might be used by other countries looking to justify aggressive and hostile acts.

Others have expressed doubts about the Bush Administration's handling of foreign policy. They point to the Administration's abysmal record on a series of international efforts, including the Kyoto Protocol, the Biological Weapons Convention, and the Anti-Ballistic Missile Treaty with Russia. The Administration has created its own credibility problem by consistently going its own way instead of being the leader of a world coalition.

Many callers have told me they don't see evidence that Saddam Hussein poses a current threat to the United States. They think terrorism by Al Qaeda is a greater and more immediate danger, and that Iraq is a diversion from our failure to capture Osama bin Laden.

And over and over I've been told that war should be a last resort. Unfortunately, to many of my constituents, the Administration has created the perception that war with Iraq is our first and only resort.

All of those concerns have been on my mind as I've deliberated on this vote. I've spent the good part of these last few weeks listening to experts from this Administration, from the Clinton Administration, and from nonpartisan, independent organizations. I've tried to sort out what we know to be true and what we just suspect to be true. And I've tried to evaluate our best course when faced with the uncertain but potentially catastrophic threat that Saddam poses and the unpredictable horror a war can bring.

Eleven years ago, in the face of Saddam's aggression against Kuwait, I voted reluctantly to oppose the use of force. I thought then that more time should be given to diplomacy, and to the enforcement of sanctions against Iraq. But once Congress acted, there was no question of the commitment of all of us to the success of Desert Storm. The liberation of Kuwait was effected; our casualties were thankfully quite small; and stability was, for an extended period of time, restored to the region.

To be certain, many of us thought, and fervently hoped, that the crushing military defeat suffered by Saddam would result in his overthrow. Other monstrous dictators—such as Milosevic in Serbia—have crumbled in the face of far less of an onslaught. It is a mark of Saddam's cunning and ruthlessness that he survived the upheavals in his country that did unfold after the Gulf War, that he is still in power, and that he is still able to oppress his people.

Whether one agrees or disagrees with the Administration's policy towards Iraq, I don't think there can be any question about Saddam's conduct. He has systematically violated, over the course of the past 11 years, every significant U.N. resolution that has demanded that he disarm and destroy his chemical and biological weapons, and any nuclear capacity. This he has refused to do. He lies and cheats; he snubs the mandate and authority of international weapons inspectors; and he games the system to keep buying time against enforcement of the just and legitimate

demands of the United Nations, the Security Council, the United States and our allies. Those are simply the facts.

And now, time has run out. It has been four long years since the last U.N. weapons inspectors were effectively ejected from Iraq because of Saddam's willful noncompliance with an effective inspection regime.

What Saddam has done in the interim is not known for certain—but there is every evidence, from the dossier prepared by the Prime Minister of Britain, to President Bush's speech at the United Nations, that Saddam has rebuilt substantial chemical and biological weapons stocks, and that he is determined to obtain the means necessary to produce nuclear weapons. He has ballistic missiles, and more are on order. He traffics with other evil people in this world, intent on harming the United States, Israel, other nations in the Middle East, and our friends across the globe.

We know Saddam quite well. We know he kills a lot of people, even in his own family. We know when he gives his word it cannot be trusted. We know he is a shameless propagandist. We recall that he held women and children hostage for a time in Baghdad as human shields in 1990 to try to deter armed attack to liberate Kuwait. We know what he does to his own people in the north and south of his country and what he did to his neighbors in Iran and Kuwait.

We also know that Saddam is the patron saint of the homicide bombers in Israel. He pays their families when their youth go to kingdom-come from the streets of Tel Aviv and Jerusalem. And Iraq, under Saddam, is one of only seven nations designated as a state sponsor of terrorism because of his aid and training of terrorists, according to the U.S. State Department.

Wehter he is tied in with al-Qaeda is still subject to debate, but they share an intense hatred for the United States, Israel, and our allies, and in their willingness to attack civilians to achieve their purposes.

In a perfect world the Iraqi people would have been able to seize their destiny and liberate their country. In a perfect world the U.N. resolutions calling for Saddam's disarmament would have been properly enforced.

But this is not a perfect world, and so today we struggle with how best to achieve that disarmament. That is our objective—our debate today is over the right means to that necessary end.

Eleven years ago, the United Nations Security Council approved a resolution calling for the liberation of Kuwait, and the disarmament of Saddam. This occurred before we voted in Congress to authorize the use of force against Iraq in January 1991.

Eleven years ago, in other words, we in Congress were voting to endorse the consensus reached in the United Nations over what the world should do to repel Saddam's aggression in the region and provide the basis for an Iraq that could not threaten its neighbors via war or weapons of mass destruction.

Today, the order is reversed and it is the Congress that is voting first on a resolution of war. And that is being done in the hope that it will help force a consensus in the United Nations so that the world—not just the United States—can pursue these issues on the soundest possible basis, with the strongest degree of support from as many nations as possible.

This is why we have to get this resolution right. And this is why I strongly support the substitute, which emphasizes action by the UN and the international community. It outlines the importance of working with a coalition, and before American lives are placed at risk, exhausting all other options through diplomacy and unfettered inspections. We should do all we can to secure a Security Council endorsement for an invasion of Iraq, and possibly to avoid a war by forcing Saddam to abide by the UN requirements for disarmament.

War must always be a last resort. In my view, Saddam has nearly brought us to that point. We have tried containment and sanctions over the last ten years, and both have failed. Sanctions hurt the people of Iraq and Saddam did not care about them. Inspections have failed because he has frustrated the inspectors and eventually forced them out of his country four years ago.

We've tried surgical strikes on his facilities and no fly zones over large parts of his territory. He has responded by continuing to try to obtain weapons of mass destruction. He has turned the humanitarian efforts to allow oil sales for food into a $2 billion pot of money for weapons.

In light of all this, if the UN does not act, it not only leaves Saddam unchecked but it undermines, perhaps fatally, the purpose of having or supporting a UN in the first place.

If the UN does not or cannot act, the substitute does nothing to compromise the ability of the Congress to authorize the use of force to protect America's interests—unilaterally if necessary—if we believe it necessary at a later time.

Under the substitute, we sacrifice none of our sovereignty—none—and maximize every opportunity for diplomacy and consensus. The substitute correctly recognizes that should we reach the point of last resort, that is the time for Congress to declare war.

For all those reasons, I urge the House of Representatives to adopt the substitute and hope it will be the course we follow. It is the better choice and is the one most of my constituents and other Americans support.

It is possible, however, that the substitute will be defeated. The question, then, is whether to support the Resolution President Bush has sent us, as modified through negotiations with Representative RICHARD GEPHARDT, the House Democratic Leader.

Although I disagree deeply with much of President Bush's domestic policies and some aspects of his foreign policy, I agree with his conclusion that we cannot leave Saddam to continue on his present course. No one doubts that he is trying to build a nuclear device, and when he does, his potential for blackmail to dominate the Persian Gulf and Middle East will be enormous, and our efforts to deal with him be even more difficult and perilous. The risks of inaction clearly outweigh the risks of action.

Despite my misgivings about the President's approach, I believe it's essential that Congress send the strongest bipartisan signal of unity possible so the U.N. will act. Some have even suggested that taking the threat of force out of the equation might undermine that result.

In a post September 11 world, it is important we speak with one voice and send one message—particularly when the lives of our men and women in the armed forces are at stake.

And it is important that we not send a confused signal to Iraq, so that there be no doubt about our resolve.

Mr. Speaker, the goal I want is decisive U.N. action and the effective disarmament of Iraq. The substitute achieves that goal and should be approved. But if it is defeated, I believe supporting the President's proposal brings us closer to realizing that goal than defeating the Resolution.

For that reason, Mr. Speaker, I will support the President's resolution if it is before us.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time, and for his important leadership on this critical issue and so many others.

I support the Spratt substitute because it is simply the right resolution for this House to adopt.

It is not soft on Iraq.

It requires that Saddam's weapons of mass destruction be destroyed.

It places the decisions Congress must make in their proper order.

It strengthens the role of the United States to build consensus and lead the international community through the U.N. Security Council.

Most importantly, the Spratt substitute ensures that war, if needed, is the last option exercised, not the first.

And should Congress need to act on a resolution to authorize military force, we would at least have the benefit of debating a well-defined mission for our troops.

Unlike the current resolution that provides no clues as to what we are actually committing our troops to do, the Spratt substitute ensures that we in the United States Congress remain accountable to the American people and our Constitutionally-mandated responsibilities.

The Spratt amendment reflects the successful model used by then-President Bush in 1991.

It is a model worth following.

I ask all my colleagues to support the Spratt substitute.

Mr. MATSUI. Mr. Speaker, the United States is both blessed and burdened with enormous power. We have a responsibility to our constituents, to our country, and to the world, to ensure that the United States wields this power wisely.

That's why I rise today in support of an amendment offered by Representative SPRATT of South Carolina, which recognizes the threat posed by Iraq and ensures that Congress deals with this threat appropriately. This amendment challenges the United Nations to live up to its responsibilities by forcing Iraq to abide by its commitments to the international community. It places value in multilateral action, but also recognizes the reality that sometimes the United States must be prepared to act alone. This is an amendment that each of us can support with a clear conscience.

The amendment encourages the President to continue working with the U.N. to craft a tough Security Council Resolution that leaves no room for Saddam Hussein to delay or impede weapons inspections on his territory, under the threat of immediate multilateral force.

Should the U.N. shirk or fail in its duty, Congress should then consider, in an expedited fashion, the authorization of force to be used against Iraq. That way, we will vote with the full knowledge that all diplomatic efforts have indeed failed. It is at that time and at that time alone, that we, as Members of Congress entrusted with the solemn and terrible duty to

send our young men and women to war, should be called upon to cast that vote. In short, Congress should vote to authorize force when and only when there is no other option.

We are fortunate to have before us the opportunity to craft a sensible and responsible policy for the United States, one that reflects, I believe, the very reasonable view of the majority of Americans. Americans are not hungry for war. We do not seek conflict, but neither do we shrink from our responsibilities. We will go to war only when we must—but not a moment before.

But now Congress is faced with a vote on a resolution that asks us to authorize a war that may not be necessary at this particular time. That's not how Congress has dealt with issues of war and peace in the past, and there's no reason to violate that precedent now. A premature authorization of force is inconsistent with the traditions of the Congress and the character of this nation.

Mr. Speaker, we can and must act to deal with the threat posed by Saddam Hussein. But Congress should not grant this authority prematurely, nor should we seek to do so. The Spratt amendment treats this matter with the gravity and circumspection it deserves. I urge my colleagues to consider carefully the alternatives before them, to vote yes for the Spratt amendment, and no on the majority resolution.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 155, nays 270, not voting 6, as follows:

[Roll No. 453]

YEAS—155

Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank
Gonzalez
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lipinski
Lofgren
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—270

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Farr
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Honda
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Latham
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Osborne
Ose
Otter
Owens
Oxley
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—6

Barr
Cooksey
Fletcher
Ortiz
Roukema
Stump

□ 1228

Messrs. BAKER, FLAKE, RUSH, SCHAFFER, and Ms. VELÁZQUEZ changed their vote from ''yea'' to ''nay.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

The SPEAKER pro tempore (Mr. LAHOOD). It is now in order to proceed to a final period of debate on the joint resolution, as amended.

The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, casting a vote over whether to authorize military action may be the most difficult decision a member of Congress is asked to make. It certainly is for me. No matter who the opponent or what the circumstances, the consequences of a collective ''yes'' vote likely will be the loss of life. But failure to act holds the potential of even more terrible outcomes. Such a vote presents an excruciating moral dilemma.

For the past year, our nation has been engaged in a great civic debate. How do we protect our nation from those who would do us harm? How can we ensure the safety of our children and grandchildren here and around the world? Should we take action against potentially hostile nations? These are questions without simple answers.

President George W. Bush asked Congress to grant him the authority to take military action against Saddam Hussein and his regime in Iraq as part of our war on terrorism. No member of Congress takes such a request lightly. We may have different views and concerns, but each of us deals with this issue very seriously and solemnly.

On such issues, persons are often characterized as hawks or doves. I am neither. Instead, I seek to be wise as an owl. I listened to the concerns voiced by many of my constituents. I wrote President Bush informing him of their concerns and seeking answers to their questions and mine. I studied Saddam Hussein and his past actions. I sought and received extensive briefings from

National Security Adviser Condoleezza Rice, Defense Secretary Donald Rumsfeld, the Central Intelligence Agency and others. And, because of my scientific background, I also received a detailed scientific briefing from civilian officials at the Pentagon about Saddam Hussein's weapons capabilities.

This information has convinced me of several things. Saddam Hussein continues to have dangerous, warlike ambitions. He is Hitler-like in his methods of repression, especially in gassing his own people. He has thumbed his nose at the United Nations by evicting inspectors and using the UN's ''oil-for-food'' program to fund weapons rather than feed his impoverished people.

Saddam Hussein continues, in violation of the U.N.'s sanctions and the peace agreement he signed, to develop and produce chemical and biological weapons for war and terror. Most troubling, he continues to develop nuclear weapons and may be as little as a year or two away from success. As a nuclear physicist, I know the destructive force of nuclear weapons. If a weapon of the type he is developing was detonated over Calder Plaza, the blast would devastate all of Grand Rapids and the near suburbs, a firestorm would consume the rest of the suburbs and a lethal dose of radiation would envelop much of the downwind area. All told, upwards of 300,000 people would be killed. Saddam Hussein's regime poses a very real threat to the safety of the United States, the safety of his own people and, indeed, the safety of the rest of the world.

Early in this debate, I thought President Bush and his advisers were seeking to strike Iraq preemptively. But I found they view that as a final alternative, not a first step. The Bush Administration continues to work with the U.N. and our allies to build a coalition and seek a peaceful end to this situation through inspections and disarmament. However, we must grant the President the power to take action against Iraq because Hussein will not acquiesce until he faces a superior force. We may have to put troops on Iraq's border before he will comply, but I hope, along with many others in Congress and the Administration, that military action ultimately will not be necessary.

I abhor the idea of the U.S. making a preemptive strike. Our philosophy has always been to take the first punch before we act. But when the first punch can destroy a city and kill hundreds of thousands of people, we must consider ways to stop that first punch.

I commend President Bush for his recent speeches in which he more clearly stated his intentions and reasons for requesting this resolution. I also commend him for working with Congress to craft a resolution that is not as broad as his original proposal and meets many of the concerns raised by Congress and our constituents. The legislative process has worked in structuring the approach and limiting action to only Iraq.

And so, after many days and weeks of thoughtful and prayerful consideration, I've decided to support this resolution. In this case, I've concluded not acting is more dangerous than acting.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my dear friend, the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, in June of 2000, President Clinton allowed me the great honor to take some veterans back to Korea in commemoration of the 50th anniversary of the Korean War. They were all members of the Second Infantry Division. We left Fort Lewis, Washington, in July and August of 1950, and we had left more men behind dead than came home.

The raggedy group of veterans that went back, all black because we were in a segregated infantry unit, most had not gone to college, and, like myself, some had not even finished high school, we thought then that we were fighting for our country. But the more education I got, the more sophisticated I got, I realized we were fighting for the United Nations.

Then when I became a Member of Congress and I led this same group of tattered veterans back to the same battlefields, they asked, why did Congress send them to South Korea and expose them to North Korean and Chinese warfare? And I had to tell them that this Congress never did send them there. No vote was ever taken in this Congress to say that they were at war with the people of North Korea or the People's Republic of China.

I made a vow to them, and I am keeping it today, that never will I delegate the responsibility of considering the dangers of war. I will not leave it to the President, unless he brings me evidence that we are in danger. I will not give it to the United Nations, because I do not believe that this sacred responsibility should be transferred. And I do believe that each and every one of those veterans, if they thought our beloved country was in trouble, would be the first to stand up to salute the flag and be prepared to destroy what enemy we had, preemptive or not.

I am against this resolution.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

(Mr. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I rise in support of the resolution.

I rise today in strong support of this resolution, authorizing the use of the United States Armed Forces against Iraq and the dictatorial regime of Saddam Hussein. Our President needs the assurance of this body that it will support his actions to keep our nation and the global community safe, from the current Iraqi government and its demonstrated capability and willingness to use weapons of mass destruction.

As the Administration continues its negotiations with members of the United Nations Security Council, to compel Iraqi compliance with current U.N. resolutions, the rest of the world must know that we stand united in our actions. The United States government can not allow Saddam Hussein's continued development of chemical and biological agents and weapons of mass destruction. These actions are in direct violation of Iraq's obligations under the 1991 cease-fire agreement that brought an end to the Gulf War.

I was a member of this body during the 102nd Congress and do not consider lightly any congressional action that may lead to the loss of American Servicemen's lives, or those of innocent civilians. Let us be clear about what we are communicating with this resolution here today. Because it is vital to United States' national security, we are supporting the President's efforts through the UN Security Council ''to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly'' abides by all relevant Security Council resolutions. We are calling for war.

President Bush has made clear his commitment to work with the United Nations to address the common threat posed by the Iraqi regime but we can not restrict his options for protecting the American people. I have full confidence in our President and Administration to continue productive negotiations; and, if the decision is made necessary, lead this country in effective military action to bring an end to this clear and present danger.

I urge my colleagues to join me in supporting this resolution.

Mr. HYDE. Mr. Speaker, with great pleasure, I yield 3 minutes to the distinguished gentlewoman from Wyoming (Mrs. CUBIN)

Mrs. CUBIN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, as I have traveled through Wyoming, my fellow citizens have made their feelings very clear on the threat posed by Saddam Hussein, the threat posed by his weapons of mass destruction and the threat posed by his support of terrorism.

They support the President's actions to ensure that Saddam Hussein's arsenal of chemical and biological weapons is totally dismantled, his ties to terrorist organizations are severed and the people of Iraq are given a chance to emerge from Saddam's oppressive shadow. The people of Wyoming hope and pray for peace, but they will not accept peace at the price of fear.

Wyoming has a proud history of defending our Nation, from the Peacekeeper and the Minuteman missile silos based in our State that helped win the Cold War, to our many sons and daughters who made the ultimate sacrifice in the defense of liberty.

One of the first casualties in our war on terror was a young man from Cheyenne, Wyoming. His name was John Edmunds. Should we let this threat build and tell John Edmunds' widow and his parents, Donn and Mary, that his death was in vain, that it did not

mean anything? How would we explain that we lacked the will to finish what we started? By explaining that the U.N. was not ready?

Saddam Hussein has long been an enemy of humanity and freedom. He has murdered his own people with poison gas. He has attempted to assassinate an American president. He heaps praise on homicide bombers and rewards their families. Right now, as we debate in this Chamber, agents work to provide him with nuclear weapons. Should we wait a little longer to see if he gets it right this time?

I understand that some in Congress are concerned about international support of his actions. But our first obligation is not to European governments like Paris or Berlin. It is to the safety and the security of the people of the United States of America.

In an ideal world, we would not have to go it alone, and I believe we will not have to go it alone. But thanks to the likes of Saddam Hussein, this is not an ideal world. Saddam has made it clear to the world where he stands. Now Congress must let the world know where we stand, against him and with our President.

Mr. Speaker, I end with a final question: Ask yourselves, why does Saddam Hussein seek an atom bomb? The people of Wyoming know. I know. I believe we all know.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from California (Mr. BERMAN), a distinguished member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, I was a fervent opponent of the Vietnam War and a strong supporter of sensible detente with the Soviet Union. But under today's circumstances, the best way to give peace a chance and to save the most lives, American and Iraqi, is for America to stand united and for Congress to authorize the President to use force if Saddam does not give up his weapons of mass destruction. Confront Saddam now, or pay a much heavier price later.

We dismissed the first World Trade Center bombing as an isolated incident. When two embassies were bombed, we failed to see the broader implication of those acts. When the USS *Cole* was attacked, still we did not read the handwriting on the wall. It was irrational, we thought, that madmen would grow bold enough to attack America on her own shores. We wanted to give peace a chance.

But then came 9/11, and it is time to say ''no more.'' The Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and many of my colleagues have told us why a yes vote is necessary.

We have brought key members of the Clinton national security team to the Hill, architects of our past policy to contain Saddam. These foreign policy experts from the Democratic Party have told us to a person that containment will no longer do the job and that the policy we are asked to endorse today is the right one for a peace-loving people.

On the issue of Saddam Hussein, I have some experience. I begged both the Reagan and first Bush administrations to stop selling Iraq materials and technology that could be used for weapons of mass destruction, to put Iraq on the terrorist list, to impose economic sanctions. Saddam, with a nuclear weapon, is too horrifying to contemplate, too terrifying to tolerate.

As one who has watched this man for 20 years, let me pose an analogy. It is just an analogy, because I reject the unproven efforts to tie Saddam to the events of 9/11.

We are on an airplane, and we know that a few passengers have smuggled box cutters on board. We know these passengers have taken courses to learn how to fly a jumbo jet. We know that their friends have already flown a small plane into a building, killing hundreds of their own neighbors. But those armed passengers have not yet lunged for the cockpit.

What should a peace loving people do? We know that people sitting near these dangerous passengers could be hurt if we take aggressive action. Should we wait until they kill the pilot and take over the airplane before we act? Of course not. We admire those with the courage to surround the armed passengers and demand that they give up their weapons under threat of force. That is what this resolution does.

Is the threat imminent? Well, surely Saddam has box cutters, Saddam has a history of using them, Saddam is in the process of upgrading the box cutters, Saddam has boarded the plane with the box cutters.

Confront Saddam now, or pay a much heavier price later.

Mr. HYDE. Mr. Speaker, I am pleased to yield 7 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), the Chairman of our Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the resolution before the House today. Our Nation and our military may very well need to right the wrongs being perpetrated from an evil dictatorship in Iraq. Saddam Hussein poses a long-term threat that could jeopardize the freedoms and the way of life enjoyed by Americans from coast to coast, from border to border, a threat that grows more menacing over time.

I have listened to some of the debate over the last several hours, over the last 24 hours. It has been said time and time again that there is no evidence that Saddam Hussein is an imminent threat.

□ 1245

Mr. Speaker, I would say to all that would say that, if you want evidence, look no further than September 11, 2001.

I am pleased the President has sought congressional approval for possible military action and has worked diligently with Congress to craft a resolution that is both appropriate and constitutional. There are very few things Congress is explicitly given the sole authority to execute; to declare war is one of them. Article I, section 8 is very clear on that point.

These 24 hours, 24-plus hours reserved for debate on this question is more than we debated Haiti, Bosnia, and Kosovo combined. President Bush should be commended for acknowledging Congress's authority with regard to any military action in Iraq.

Mr. Speaker, this leads us to the merits of authorizing such a serious action. Putting our Armed Forces into harm's way should never be an easy decision for anyone. As one who represents a district with two significant Air Force bases and a large Army post, I have talked with countless active duty personnel and military families during my service here in Congress. The pilots, the airmen, soldiers, and other highly trained heroes at Tinker Air Force Base, Altus Air Force Base, Fort Sill Army Post are my friends, my neighbors, they are my constituents. I care deeply for these brave Americans.

They understand, like so many across this country, that freedom is not free, liberty is not easy, and keeping the peace often requires sacrifice. America did not become the leader of the Free World by looking the other way to heinous atrocities and unspeakable evils.

The President told the Nation this past Monday that Iraq has a massive stockpile of chemical and biological weapons that has never been accounted for, that is capable of killing millions and millions of people. Surveillance photos reveal that the regime is rebuilding facilities it used to produce chemical, biological, and nuclear weapons.

Mark my words on the latter form of destruction. The moment Saddam Hussein acquires a nuclear weapon is the moment the world will be in even more danger, grave danger. I hope my colleagues will reflect deeply on this chilling possibility.

Some people have pondered whether a military strike in Iraq would be just. Will the action of our government constitute a just war? Saint Augustine, the father of just war theory said, ''A just war is wont to be described as one that avenges wrongs, when a nation or State has to be punished, for refusing to make amends for the wrongs inflicted by its subjects, or to restore what it has seized unjustly.''

This Congress must decide whether the situation in Iraq warrants military response. I am with the President. I believe this vote supports the just war theory when Saint Augustine wrote, ''We do not seek peace in order to be at war, but we go to war that we may have peace.''

Saddam Hussein has murdered his own people. His record on human rights is abysmal. He has aided and abetted terrorists. He hates America, he hates freedom, he hates independence, he hates our allies. He hates us.

Mr. Speaker, at this very hour, we know a tyrant in Iraq is devising great evil. We know harm is inevitable if nuclear weapons are indeed acquired by Saddam Hussein. As testimony by a former Iraqi scientist before the Committee on Armed Services said, as he revealed last week, Saddam is on a break-neck pace to acquire those very weapons. I hope my colleagues put their trust and confidence in our military, America's sons and daughters, who love freedom and love liberty, to wage a worthy and just cause.

Military options are the President's last choice. But we must give him the prerogative if the situation in Iraq requires the use of force. I urge the House to pass this legislation to support the President, support our Armed Forces, and support freedom throughout the world. We will prevail. As the President said, we must prevail. Vote ''yes'' on this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. DOGGETT), the ranking member, distinguished senior member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, to the occasional charge of ''hand-wringing'' and ''weakness'' leveled at the many of us who are voting today against this resolution, perhaps the same could be said of this statement: ''Trying to eliminate Saddam, extending the ground war into an occupation of Iraq . . . would have incurred incalculable human and political costs. . . . Had we gone the invasion route, the United States could conceivably still be an occupying power in a bitterly hostile land. It would have been a dramatically different—and perhaps barren—outcome.''

But this statement comes from American patriots, our first President Bush and his National Security Adviser General Scowcroft, in explaining why they rejected the approach some urge today.

As most Democrats today vote against launching a ground invasion of Iraq, we must candidly recognize that some of the most insightful arguments supporting our position were advanced by Republicans and military leaders like Scowcroft, Schwarzkopf, and Zinni.

Party affiliations will not be chiseled on the gravestones of young Americans who die to win this war, nor on those of the American families jeopardized by diverting precious resources from the real war on terrorism, nor those harmed by new terrorists provoked by what too many will view as a new crusade against Islam.

Why in the face of overwhelming support do so many of us vote ''no'' today? We respond not just to those we represent but, most of all, because individually we must answer to the face we see each day in the mirror. We must answer to history. We must answer to our children and our grandchildren.

When more than one of every four members of this House cast our vote against this ill-considered resolution, we vote not against President Bush, who deserves our support and respect, but aware of the conflicting advice he is still receiving we say: listen to the voices of your better nature. The prudent remains—first, attempt holding Iraq accountable through effective, comprehensive international inspections.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, in 1991 when we went into Iraq, we thought, our best projection was that he was 3 to 5 years away from having a nuclear device. We found out when we got there that he was actually only 6 months to a year away from having a nuclear device. To have waited at that time, as many folks proposed, would have been disastrous.

Now, the Committee on Armed Services, Democrats and Republicans, have held now three classified briefings inviting every Member of the House to participate to see and to understand the weapons of mass destruction program that is ongoing and robust and working toward completion right now in Iraq with respect to nuclear, chemical, and biological systems. My own opinion is that there are going to be nuclear devices manufactured in Iraq within 24 months.

To have waited in 1991 would have been disastrous. To wait today would be disastrous. We have got one leader, one person elected by all the people, our President, who is now our Commander in Chief. It is time for us, having been informed, having understood the problem, to rally behind him and take up this burden. Let us support this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. FROST), our distinguished chairman of the Democratic Caucus.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise in support of this bipartisan resolution. It provides the best opportunity for a peaceful resolution by giving the President the discretion to use force if Iraq does not permit full and comprehensive inspections of all sites that could be used to develop biological, chemical, or nuclear weapons.

I hope, as do the American people, that the President will use this discretion wisely and that Saddam Hussein will understand that the community of nations will not permit him to develop and maintain weapons of mass destruction.

Mr. Speaker, today's vote is a difficult one. Many House Members have worn their country's uniform in time of war and have seen the horror of battle firsthand. We all understand the sacrifices that we may be asking our brave young men and women to make in the months to come.

As chairman of the Democratic Caucus, I have presided over numerous meetings on this subject. I have listened carefully to my colleagues and to policy experts who have followed Saddam Hussein's activities over the years.

In the end, I have come to the conclusion that the course set out in this resolution is the wisest path for our Nation.

The resolution makes clear that our first preference is for the President to work through the United Nations to obtain multilateral support for a tough regime of weapons inspections. It requires the President to report back to Congress and to consult with us on an ongoing basis. But in the end, it gives the President the authority to commit U.S. troops if all diplomatic efforts fail.

Mr. Speaker, giving the President this discretion is highly appropriate. In so doing, we make clear to Saddam Hussein that it is in his interests to permit the inspectors full and unfettered access now. Should he fail to do so, he will face the full might of the United States military, the strongest and finest fighting force in the world today.

Mr. Speaker, no one wants war. We all want peace, and peace is best achieved from a position of strength.

So I want to personally recognize the work of our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), in narrowing and improving the resolution originally offered by the administration. We vote today on a better, more focused approach because of the hours he spent negotiating with the White House over the final product.

I want to say a word about the role of the minority in our system of government. Some suggest that the minority's role is to automatically oppose everything sought by the President. I disagree. The minority can play a constructive role by working to improve a Presidential proposal and, therefore, helping achieve a national consensus. That is particularly true in matters of foreign policy.

So I urge all of my colleagues, regardless of how my colleagues voted on the Spratt or Lee substitutes, to join Democrats and Republicans in voting for this bipartisan resolution.

Mr. Speaker, this bipartisan resolution will send a strong, clear signal that America is committed to ending the threat that Saddam Hussein poses to the world through democracy, if he will allow it, but through military action if he refuses.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Ohio (Mr.

KUCINICH), a respected member of our caucus.

Mr. KUCINICH. Mr. Speaker, more than two millennia ago, the world began a shift from the philosophy of an eye for an eye. We were taught a new gospel of compassion of doing unto others as you would have them do unto you. It is that teaching, that faith and compassion that has sustained the human heart and this Nation.

I believe, as did Washington and Lincoln, that America has been favored by divine providence. But what if we lose our connection to our source by an abuse of power?

We are at a dangerous moment in human history when 20 centuries of moral teachings are about to be turned upside down. Instead of adherence to the Golden Rule, we are being moved toward the rule of liquid gold: do unto others before they do unto you.

No longer are we justified by our faith; we are now justified by our fear. Iraq was not responsible for 9–11, but some fear it was. There is no proof Iraq worked with al Qaeda to cause 9–11, but some fear it did.

It is fear which leads us to war. It is fear which leads us to believe that we must kill or be killed, fear which leads us to attack those who have not attacked us, fear which leads us to ring our Nation and the very heavens with weapons of mass destruction.

The American people need the attention of their government today. People who have worked a lifetime are finding the American dream slipping away. People who have saved, who have invested wisely are suffering because of corruption on Wall Street, the failing economy, and the declining stock market.

□ 1300

People have lost their homes, they have lost their jobs, they have lost their chances for a good education for their children. The American dream is slipping away, and all the people hear from Washington, D.C., is war talk, so loud as to drown out the voices of the American people calling for help.

Seventy years ago, Franklin Roosevelt said, ''We have nothing to fear but fear itself,'' calling America to a domestic agenda, a New Deal for America. Faith in our country calls us to that again. Faith in our country calls us to work with the world community to create peace through inspection, not destruction. Faith in our country calls us to use our talents and abilities to address the urgent concerns of America today.

Let us not fear our ability to create a new, more peaceful world through the science of human relations. Faith, America; courage, America; peace, America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today Congress faces a momentous decision. We have had a spirited and vigorous debate about an issue of the utmost importance to this institution, to our government, and to our Nation. In the end, each of us must decide for our constituents and for ourselves whether or not to support authorizing President Bush to use force against Iraq.

President Bush has called for an end to the international appeasement of Saddam Hussein. He has challenged the world to face up to its responsibilities and stop this evil man with his evil designs.

Clearly, Mr. Speaker, we would all prefer that diplomacy could solve this problem. At the same time, we must understand that diplomacy has not worked with Iraq. We have been patient over this last decade, yet Iraq continues to defy the world community. Saddam has had his opportunity. The United States must now determine for itself how we should protect our Nation and our citizens.

It is we, Members of Congress, the President, and the American people who should determine the fate of our Nation. Members of Congress have the difficult decision of determining whether or not the Nation should go to war. As a Member of Congress, I accept my responsibilities to weigh the evidence and to vote yea or nay, knowing full well what the consequences may be. I take this job seriously, and am willing to do my part to protect our Nation and ensure that Americans, both at home and abroad, are safe.

I have concluded that, to protect the lives and safety of our country and our people, we must act. Mr. Speaker, it is time to give the President the authority he has requested to deal with the imminent threat that Saddam Hussein poses to the United States and to the world. I hope that diplomacy will work and that Saddam will finally yield unconditionally to international inspections for weapons of mass destruction. I also hope that the United Nations will join the United States in this effort.

However, we cannot, as a Nation, make our national security dependent upon any other institution, no matter how well-intentioned it may be. In the end, the growing coalition of countries supporting our efforts will see the overwhelming bipartisan support in the vote today as a symbol of the unity and commitment of this Nation to disarming Saddam Hussein.

In the end, our actions today, Mr. Speaker, will be seen as the correct course for our Nation and for our world.

Mr. Speaker, I urge my colleagues to join me in support of this resolution and in support of our President as we cast our votes today.

Mr. LANTOS. Mr. Speaker, I am happy to yield 2 minutes to my good friend, the gentleman from Maine (Mr. ALLEN), a senior member of the Committee on Armed Services.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the resolution. Saddam Hussein is a tyrant to his own people and a threat to ourselves and to others. If this were simply a referendum on him, the vote today would be unanimous.

But the resolution before us raises two questions of fundamental importance, questions that are agonizing for Members of this body: First, how do we diminish the threat from Iraq without empowering Islamic fundamentalism and creating new recruits for terrorist groups; and, second, how do we avoid setting a dangerous global precedent for other nations to launch unilateral preemptive attacks as a legitimate tool of national policy?

The resolution negotiated between the President and House leadership is still a blank check. The Spratt substitute, in its essence, said that we are not willing to provide a blank check now for unilateral military action, though we are willing to provide or authorize military force multilaterally.

This resolution unwisely justifies action against Iraq under the Bush administration's new doctrine of preemption and regime change. This justification has the potential to create precedents that will come back to haunt us if adopted by our Nation or by others.

Under the Constitution, the President and Congress share warmaking powers. Yet, the underlying resolution represents an abdication of Congress' historic role. We cannot look into the future. If we act unilaterally, we do not know today what support we might have from some allies, how many troops it would take, what the President has in mind. A decision to use unilateral force should be postponed to a later date.

In the war on terrorism, we need more friends and allies and fewer enemies. We will get to that place if we first make a commitment to working with our allies, and only later, if necessary, authorize the use of unilateral force.

I urge my colleagues not to give our rights away in this Congress, and to reject the resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman and my colleague, the gentleman from Illinois, for yielding time to me.

Mr. Speaker, we have seen this movie before: The Inter-Allied Control Commission of inspectors were granted full freedom of movement, all necessary facilities, documents, and designs. Three hundred thirty-seven weapons inspectors were deployed in 11 districts.

They reported that they destroyed 33,384 cannons, 37,211,551 artillery shells, 87,000 machine guns, and 920 tons of poison gas. In sum, they reported 97 percent of artillery and 98 percent of men under arms were rendered ineffective.

These reports were not about Iraq, they were about post World War I Germany, and told us not to worry. When

the Commission finally started reporting on German violations on inspections, the leading French diplomat wrote to President Wilson the following:

''Elements in each of the nations of the League will be quite naturally inclined to deny reports disturbing to their peace of mind and more or less consciously espouse the cause of the German government which will deny the said reports. We must recall the opposition of these elements at the time when Germany armed to the teeth and openly made ready the aggression of 1870 and 1914.

''To sum up, the Germans will deny, their government will discuss, and, meanwhile, public opinion will be divided, alarmed, and nervous.''

In the end, Germany rearmed under the eyes of 300 international inspectors. As evidence of violations mounted, the international community lost its nerve to impose the will of international law.

This resolution offers the best hope that Secretary Powell will get inspectors, real inspectors, back to Iraq.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of our Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, today I speak of duty. This is the third time that I have stood at this podium with the question of military action in the balance. There is no more serious vote nor more sacred duty than this, deciding to ask those who serve this great country to go into harm's way.

So it is a decision that must be taken soberly and deliberately. It must be taken mindful of the regional implications, and it must balance the risks of not acting with those of not acting prudently.

Winston Churchill's book ''The Gathering Storm'' details the world's slide into holocaust. I point out, Mr. Speaker, that his book is subtitled ''How the English-Speaking Peoples, Through Their Unwisdom, Carelessness, and Good Nature, Allowed the Wicked to Rearm.'' Many of us saw firsthand the consequence of that rearmament. Never again, Mr. Speaker, never again.

The issue of Iraq was never whether evil should be confronted, but how. My own questioning began in a letter to the President on September 4. My concerns were to emphasize multilateral action, understanding the implications of using military force for the United States' role in the world.

We must have a plan for the rebuilding of the Iraqi government and society if the worst comes to pass and armed conflict is necessary. We must ensure that America's commitments to the war on terrorism and to other missions throughout the globe will be upheld.

In short, to paraphrase the great military strategist, Carl von Clausewitz, we must not take the first step in this conflict without considering the last.

This resolution, while not perfect, is a vast improvement from that originally sent by the White House. To my mind, this resolution makes clear Congress's intention that America achieve its goals multilaterally if possible. As importantly, it announces our determination to stay the course and deal with the aftermath if military action is taken.

Having achieved these clarifications, the question before the House is this: Shall we stay the hand of the miscreant, or permit the world's worst government to brandish the world's worst weapons?

I believe that, Mr. Speaker, difficult as it is, there can be only one answer. I support the resolution.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, as was so horribly demonstrated on September 11, the greatest threat to our country today comes not from the world's greatest powers but, rather, from unstable and dangerous individuals scattered across much of the world with nothing more in common than their hatred of the United States.

Some of these individuals are itinerant phantoms, like Osama bin Laden. A very few control territory and governments, like Mullah Omar and Saddam Hussein.

It is for this reason that we are forced to deal with Iraq. It is not merely that Iraq's brutal and ruthless dictatorship is hostile to America, or that it has given comfort to the al Qaeda terrorists, or even that it possesses the most gruesome weapons of mass murder.

Beyond all of this, Iraq's barbaric dictator, like the al Qaeda fanatics whom he supports, is unstable and a proven killer. We cannot deal with him or the territory that he controls by terror as if it were a nation state like any other. It is not. Saddam Hussein does not merely possess chemical weapons; he has used them. He does not merely mouth hatred for the United States; it is well known that he attempted to assassinate our President. He does not merely tolerate global terrorism; he is one of its main incubators.

We must ask, however, is confronting Saddam Hussein worth the cost that we will surely have to bear if we are required to make good on our threat of force? To that we must answer that there is potentially an even heavier cost of temporizing, of doing nothing, of adding a 17th toothless U.N. resolution to the 16 that Saddam Hussein that is already violated.

What we learned on September 11 is that turning a blind eye to the metastasizing of cancer cells, of terrorist cells, is the costliest choice we can make.

What of our friends and sometime allies, such as, for example, France and Russia, who have accused us of going it alone? If we approve this resolution today without their prior agreement, will we not simply display to Saddam Hussein that the world lacks the international agreement that is necessary to win the war on terror?

To that I am afraid we must answer that if even such great nations as France and Russia cannot be convinced to see their own self-interest in protecting the civilized world from the likes of Saddam Hussein, then, in fact, the war on terrorism will indeed be compromised.

But this is not the end, it is the beginning. Just as Saddam Hussein must know that America is serious, so, too, must our friends and allies. If we vote to deny the President the backing of this Congress and think that then he can win the support of additional nations, we are delusional.

Mr. Speaker, our purpose is a good one; and we must lead. To save a nation from terrorist rule, as with Mullah Omar and Saddam Hussein, protects not only the citizens of those countries but our own country and the entire world. All of us must hope that when the United Nations passes its resolution, Saddam Hussein will this time finally see reason and disarm.

□ 1315

But as the proverb says, he who lives only by hope will die in despair. I ask my colleagues to unite hope with reason and practicality and willingness to act. Let us support this resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. LUTHER).

(Mr. LUTHER asked and was given permission to revise and extend his remarks.)

Mr. LUTHER. Mr. Speaker, the language of the resolution has been improved significantly. I will vote to give this administration authority, and I ask that this authority be exercised judiciously and morally.

Mr. Speaker, the intense debate we are having is what the American people deserve on a subject as serious as the matter before us.

Like most Americans, I believe Saddam Hussein has chemical and biological weapons and that he has stepped up his nuclear program. Left unchecked, these activities are a serious threat to Iraq's neighbors and to the United States.

While this alone may not justify military action, we are living in a changed world today. The new challenges we face require a new way of thinking, and our country's leaders must make every effort to anticipate and prevent future attacks on the people of our country.

I will therefore support the resolution to use force, if necessary, to disarm Saddam Hussein. I am concerned that the administration initially approached the situation in Iraq in a hasty and simplistic manner. While the administration is now pursuing a more responsible course of action that could over time unify the American people and the world community, I remain concerned about the timing, ultimate objectives, international effects, long-term consequences and human cost of any large-scale invasion of Iraq.

Nevertheless, the language of the resolution has been improved significantly since proposed by the administration and Congress will have additional opportunities to consult and work with the President in the future. In supporting this resolution it is my hope and expectation that the President will use his authority in a thoughtful, measured and responsible way consistent with the moral leadership America needs to provide the world.

First, the Administration should work in concert with the global community, including our allies in the Middle East, to build an international coalition in support of our goals, as was successfully shown by the first President Bush in the Gulf War. Any plan to go it alone has the potential to inflame global mistrust of the United States and increase the possibility of renewed terrorist activity.

Second, our country must get its fiscal house in order as the war on terrorism continues. Military action is very costly and common sense dictates that our allies and other nations that benefit from ridding the world of Iraq's weapons of mass destruction should also share the financial burden.

Third, it is important to have a clear plan and commitment on how to ensure stability in the region after our goals in Iraq are achieved. Disarming Iraq and removing Saddam Hussein from power without a concrete plan to ensure a stable and less hostile new regime would be a mistake.

Finally, the administration must continue to engage the American people, Congress, the United Nations and our international allies to build support for the disarmament of Iraq. This course is our best hope for achieving our goals without war.

Since coming to Congress in 1994, I have consistently supported an activist role for the United States in the world community. I have supported giving the administration, regardless of political party and despite intense criticism at times, the necessary military authority and resources to combat threats to our national security and to promote human rights and American values around the globe. I strongly supported our country's attacks during the 1990's on military targets in Iraq, Afghanistan and the Sudan, and I wholeheartedly supported our country's efforts in Bosnia and Kosovo long before the tragedy of September 11th.

I will vote to give this administration similar authority and I ask that this authority be exercised judiciously and morally.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Virginia (Mr. MORAN), a distinguished member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from California (Mr. LANTOS) for yielding me time.

Mr. Speaker, there are compelling, fundamental reasons why this body should oppose this resolution. With great power comes great responsibility, great responsibility to conduct our foreign policy in a manner worthy of our world leadership, consistent with the international standards of conduct that we have worked so hard to establish for the better part of the 20th century. The United States must continue to act in a manner that serves as an example to the rest of the world.

Mr. Speaker, this Congress is the people's body. That is why before we offer up the lives of our sons and daughters in the cause of war, we must have the final say. The amendment that just failed was about upholding the integrity of this institution and the U.S. Constitution that must guide all our actions. We should be making Saddam Hussein irrelevant, not marginalizing the United States Congress. We make him irrelevant by disarming him, discovering and destroying all of his weapons of mass destruction and his means of delivering them.

We can accomplish that objective without leaving our allies on the sidelines or further inflaming the passions of people, especially in the Arab and Muslim world, who do not understand or trust our noble intent.

We are not the only people prepared to sacrifice our lives for the family security and individual freedoms that motivate the human race.

We oppose this resolution for the same reasons the first President Bush delayed a comparable debate until after the midterm congressional elections a decade ago, why he pressed so hard and successfully for the United Nations Security Council's support, and why he successfully achieved the support of Iraq's Arab neighbors.

Mr. Speaker, we do not need a new national security strategy that, with a policy of unilateral preemption, tramples the foundation of the international rules of law that has been this generation's legacy to this small planet. We should be standing on the shoulders of the great leaders who have preceded us in this body and who are the true authors of our existing national security strategy that remains the best hope of peace and progress for all of mankind.

Mr. LANTOS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I wish to end my part in this great debate as I began in tribute to the patriotism of every Member of this body and with special thanks to my dear friend and distinguished counterpart on the Republican side, the gentleman from Illinois (Mr. HYDE), a combat veteran of World War II.

Over the course of the last 2 days, my colleagues have expressed many different views, but all have affirmed their commitment to safeguard our national security, to pursue peace and to wage war only as a very last resort. The depth and dignity of the debate is worthy of this great subject and of our great democracy.

At the outset, Mr. Speaker, I wish to commend our Democratic leader, my good friend, the gentleman from Missouri (Mr. GEPHARDT). In the proud tradition of that great Republican Senator, Arthur Vanderberg, half a century ago, the gentleman from Missouri (Mr. GEPHARDT) transcends parties and politics to craft and champion a bipartisan resolution that best serves the interest of our Nation. His leadership has been a true profile in courage.

Mr. Speaker, as our debate has shown, none deny the danger posed by Saddam Hussein. We differ only in the means of addressing this mounting threat; and in doing so, we grapple with two paradoxes. The first is the paradox of peace: Faced with an implacable and belligerent foe, how do we avert war? The answer, as our resolution affirms, lies not in disavowing the use of force, but in authorizing it. It is only when the Iraqi dictator is certain of our willingness to wage war, if necessary, that peace becomes possible. Saddam, like his mentor, Stalin, and all dictators, recoils before strength and pounces on weakness.

The second paradox, Mr. Speaker, is the paradox of leadership. Faced with skepticism from some friends and timid bystanders, how do we form the broadest possible coalition to confront Saddam? Publicly, few nations have responded to our call to arms against Iraq. Privately, as I have learned in innumerable meetings with heads of state, foreign ministers and ambassadors from the Arab world and beyond, the United States enjoys strong support. Bridging the divide between public opposition and private support requires that the United States assert leadership. Our joint resolution will demonstrate to the world our steadfast resolve. It will convince others that joining us is the best hope for securing peace. If we show the courage to lead, others will follow.

To preserve peace, we must authorize force. To build support, we must be prepared to lead. Our resolution resolves these paradoxes and represents the best means of averting war and of marshaling international cooperation. It is for these reasons that I urge support for our bipartisan resolution.

Mr. Speaker, in moments we will be casting our vote and we will make history. In so doing, we dare not repeat the history of the last century, a history characterized too often by appeasement and inaction in the face of tyranny. It is a history that should haunt all of us. Let us cast a vote in favor of this resolution. It will be a vote for American leadership. It will be a vote for peace.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY).

(Mr. KENNEDY of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I believe history tells us that supporting this resolution and empowering the President for peace is the surest chance to removing the threat to America without conflict and giving the authority to defend America and freedom, if necessary.

Mr. Speaker, I would quote Theodore Roosevelt, from a speech he gave in 1916 while the rest of the world was engaged in the Great War, "The belief that international public opinion, unbacked by force, has the slightest effect in restraining a powerful military nation in any course of action has been shown to be a pathetic fallacy."

Mr. Speaker, in the weeks since the Iraq policy debate came to the forefront of the national agenda, I have thought long and hard about how I would vote if it became my responsibility. This vote is the most important vote I will cast since I was elected to serve in Congress.

As Members of this august body, the people's house, it is the essence of our constitutional oath to defend America against all enemies foreign and domestic.

It is at times like these that I reflect on the words of a man who inspired me to the cause of public service, John F. Kennedy: ''I do not shrink from this responsibility, I welcome it.''

Mr. Speaker, in framing my thoughts on this momentous debate, I looked to history as a guide. I am unable to escape its harsher lessons.

I think of that lone voice in the House of Commons in the 1930s, who tried to alert his country to a growing danger. Winston Churchill warned against making agreements with an aggressor who had no intention of honoring them, all in the name of ''peace.'' Others' reluctance to confront a growing evil resulted in countless deaths and untold suffering.

More recently, Ronald Reagan challenged America and the rest of the free world to remember its historical roots and stand up to Soviet expansionism. With the simple words, ''Evil Empire,'' he succinctly characterized the nature of our adversary in the decades-old standoff between East and West. Man in the international community believed Ronald Reagan's abandonment of détente for his policy of peace through strength would bring war. Instead, the Soviet Union collapsed and because of the bold stand of an American president, countless millions were liberated without a shot being fired and the bright light of freedom was able to shine anew.

The age-old struggle of freedom against tyranny has entered a new century. Yet when faced with the choice of negotiating with an aggressor in the name of peace, or confronting aggression before it is too late, history's lesson is clear.

Mr. Speaker, it has been our tradition to fight for freedom and prosperity, going back to our Republic's infancy and America's lonely fight against the Barbary Pirates on the shores of Tripoli.

It is this chapter of our history that brought to mind the undesirable possibility that America would again have to confront evil on its own.

I am relieved that this is not the case in our struggle with Iraq with friends and allies like Britain, Italy, Spain, Norway, Denmark, Australia, and Qatar publicly stating their support for our efforts to rid the world of this great danger.

Yet, as we now ask the United Nations to act in the name of its own relevancy, Mr. Speaker, I think we should ask ourselves, should America's ability to defend her citizens be held hostage to countries that have more to lose, because of strong commercial ties, and less to gain from the liberation of Iraq?

We should ask ourselves, would Paris or Moscow or Beijing be in Saddam Hussein's crosshairs or would it be New York or Washington?

I have thought seriously about the concerns that dealing with Iraq would prove to be a distraction from the War on Terror.

But it's integral to the war on terror to remove one of the foremost sponsors of terrorist activity in the world. It is well known that this is a man who subsidizes suicide bombers, providing support to those who stand in the way of progress toward Mideast peace.

The War on Terror's central tenet is, if you stand with the terrorists, you will be treated as one.

Many are rightfully concerned about a long-term American commitment in Iraq. But, Mr. Speaker, we are already committed to the region and to Iraq. We have stationed a large military force in the region for more than a decade. We have maintained a military force throughout the Gulf region to keep the peace and enforce no-fly zones. We can and must nurture an open and democratic Iraq.

Some of those whose voices are loudest in protest of an American-led liberation of Iraq may themselves fear it will undermine their own authoritarian regimes. Is the real fear of Iran's mullahs instability or a free Iraq next door?

What excuses will be left to the leaders of a failed Palestinian state once the Saddam regime joins the tyrannies of the 20th century on the ash heap of history?

I have an 18-year-old son I took to college a little over a month ago. It never leaves my thoughts what a war means in human terms. but no member of this body should forget the consequences of inaction.

As Theodore Roosevelt said, ''Wars are, of course, as a rule to be avoided; but they are far better than certain kinds of peace.''

For all these reasons, I will pray for peace. But at the same time, Mr. Speaker, I will vote to give President Bush the authority to needs to defend America, to defend freedom, and keep our people safe. I pray that by following history's guide, we will again find peace and freedom without using force.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) for yielding me time.

Mr. Speaker, as we reach the conclusion of this historic and dignified debate, now is the appropriate time to review the facts that compel the United States to act in self-defense and in defense of the civilized world.

The fact, Mr. Speaker, is that the Iraqi regime is employing the vast wealth of his country to develop biological, chemical and nuclear weapons in direct violations of the 1991 cease-fire agreement and in violation of numerous United Nations Security Council resolutions.

The fact is that the Iraqi regime is responsible for two wars against its neighbors resulting in the deaths of hundreds of thousands.

The fact is that the regime's abuse of the U.N. administered Oil For Food Program is creating catastrophic shortages of food and medicine for thousands of Iraqi women and children.

The fact is that the regime's association with terrorists undermines stability in the Middle East and threatens the security of the United States of America.

The fact is that weapons of mass destruction in the hands of someone who sanctions the wholesale murder, starvation, rape and mutilation of ethnic Kurds, Shiite Muslims and other opponents is a clear and present danger to the security of the world.

Does the discovery by U.N. inspectors of detailed drawings for constructing a small nuclear device in Saddam's three as-yet-undismantled uranium enrichment facilities not sufficiently reveal the dangerous ambitions of this dictator?

Time and time again over the course of this debate, Mr. Speaker, these facts have been acknowledged by all of those who have spoken. And yet opponents of this resolution continue to resist what I believe is the obvious conclusion.

Yes, the President should continue the diplomacy, should work with the United Nations to fashion stronger sanctions and a regime of coercive inspections. That work is under way as I speak. But what incentive does the Iraqi regime have to honor its international obligations if Congress fails to give the President the tools he needs to compel them to do so? What incentive is there for the United Nations to act with courage and conviction if Congress fails to do so?

Mr. Speaker, we cannot wish this problem away. We must save ourselves. We must act. I support the resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, because I believe the debate on this resolution is a matter of life or death for hundreds of thousands of Americans and other innocent persons and believe that it should only be done on a declaration of war by this constitutionally constituted body, this Congress, I rise to oppose this resolution.

Mr. LANTOS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), my San Francisco neighbor and dear friend, our distinguished whip, a person of extraordinary talents and qualifications.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for his recognition and his kind words.

First, I wish to congratulate all of the Members of the House of Representatives for the patriotism that has been demonstrated on this floor in the last 2 days. I think the American people saw something very special. They saw what we show every day, that people here love our country, are committed to its value, and are committed to and respect our men and women in uniform.

I come to this debate, Mr. Speaker, as one at the end of 10 years in office on the Permanent Select Committee on Intelligence, where stopping the proliferation of weapons of mass destruction was one of my top priorities. I applaud the President on focusing on this issue and on taking the lead to disarm Saddam Hussein.

From that perspective, though, of 10 years on the Permanent Select Committee on Intelligence, I rise in opposition to the resolution on national security grounds. The clear and present danger that our country faces is terrorism. I say flat out that unilateral use of force without first exhausting every diplomatic remedy and other remedies and making a case to the American people will be harmful to our war on terrorism.

For the past 13 months, it will be 13 months tomorrow, we have stood shoulder to shoulder with President Bush to remove the threat of terrorism posed by the al Qaeda. Our work is not done. Osama bin Laden, Mullah Omar and the other al Qaeda terrorist leaders have not been accounted for. We have unfinished business. We are risking the cooperation that we have from over 60 nations of having their intelligence and their cooperation in fighting this war on terrorism.

□ 1330

There are many, many costs involved in this war, and one of them is the cost to the war on terrorism. We cannot let this coalition unravel.

Others have talked about this threat that is posed by Saddam Hussein. Yes, he has chemical weapons, he has biological weapons, he is trying to get nuclear weapons. This is a threat not only from him but from other countries of concern in the past.

I want to call to the attention of my colleagues a statement about Saddam's use of chemical and biological weapons that was just declassified and sent to the Chairman of the Senate Select Committee on Intelligence.

The question is: If we initiate an attack and he thought he was an extremist or otherwise, what is the likelihood in response to our attack that Saddam Hussein would use chemical and biological weapons? This is a letter from George Tenet, the head of the CIA to the committee. The response: Pretty high, if we initiate the attack.

Force protection is our top priority on the Permanent Select Committee on Intelligence. We must protect our men and women in uniform. They are courageous. They risk their lives for our freedom, for our country. We cannot put them in harm's way unless we take every measure possible to protect them. So another cost is not only the cost on the war on terrorism but in the cost of human lives of our young people by making Saddam Hussein the person who determines their fates.

Another cost is to our economy. The markets do not like war. They do not like the uncertainty of war. Our economy is fragile as it is. The President has spoken. In his speech the other night, he talked about rebuilding Iraq's economy after our invasion. We have problems with our own economy. We must focus on building our own economy before we worry about Iraq's economy after we invade Iraq.

So let us do what is proportionate, what is appropriate, which mitigates the risk for our young people.

Another cost in addition to human lives, the cost of terrorism, cost to our economy, another cost is to our budget. This cost can be unlimited, unlimited. There is no political solution on the ground in Iraq. Let us not be fooled by that. So when we go in, the occupation, which is now being called liberation, could be interminable and so could the amount of money, unlimited that it will cost, $100-, $200 billion. We will pay any prices to protect the American people, but is this the right way to go, to jeopardize in a serious way our young people when that can be avoided?

We respect the judgments of our military leaders. It is a civilian decision to go to war, but the military leaders present us with options which they know are to be a last resort.

These costs to the war on terrorism, the loss of life, the cost to our economy, the cost in dollars to our budget, these costs must be answered for. If we go in, certainly we can show our power to Saddam Hussein. If we resolve this issue diplomatically, we can show our strength as a great country, as a great country.

Let us show our greatness. Vote no on this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 8 minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me the time, and I commend the chairman and the ranking member for the work that they have done, not just on this but the whole issue of the war on terror.

Mr. Speaker, Americans have always had to summon courage to disregard the timid counsel of those who would mortgage our security to the false promises of wishful thinking and appeasement. The perils of complacency were driven home to us in September of last year. We saw in tragic detail that evil is far more than some abstract concept. No longer should America allow dangers to gather and multiply. No longer should we stand idle as terrorists and terrorist states plot to murder our citizens.

As a free society, we have to defeat dangers before they ripen. The war on terrorism will be fought here at home, unless we summon the will to confront evil before it attacks.

President Bush certainly understands this imperative for action. The President is demonstrating the strong, moral leadership to find and defeat threats to the United States before they strike. Because once a madman like Saddam Hussein is able to deliver his arsenal, whether it is chemical, biological or nuclear weapons, there is no telling when an American city will be attacked at his direction or with his support.

A nuclear armed Iraq would soon become the world's largest safe haven and refuge for the world's terrorist organizations. Waiting to act until after Saddam has nuclear weapons will leave free nations with an awful dilemma. Will they, on the one hand, risk nuclear annihilation by confronting terrorists in Iraq or will they give in to fear by failing to confront these terrorist groups?

For that reason, regime change in Iraq is a central goal of the war on terror. It is vital because a war on terrorism that leaves the world's leading purveyor and practitioner of terror in power would be a bald failure.

Some call Hussein a diversion, but far from being a diversion, confronting Saddam Hussein is a defining measure of whether we still wage the war on terror fully and effectively. It is the difference between aggressive action and misguided passivity.

The question we face today is not whether to go to war, for war was thrust upon us. Our only choice is between victory or defeat.

And let us just be clear about it. In the war on terror, victory cannot be secured at a bargaining table.

Iraq's vile dictator is a central power of the axis of evil. President Bush and this Congress are committed to removing the threat from Saddam Hussein's terrorist state. Only regime change in Iraq can accomplish that objective. Only regime change can remove the danger from Saddam's weapons of mass destruction. Only by taking them out of his hands and destroying them can we be certain that terror weapons will not wind up in the hands of the terrorists.

Saddam Hussein is seeking the means to murder millions in just a single moment. He is trying to spread that grip of fear beyond his own borders, and he is consumed with hatred for America.

But I am not here today to offer that definitive indictment of Iraq's tyrant. That has already been very clearly documented and well-established in this debate.

In the wicked litany of crimes against humanity, Saddam Hussein has composed a scarlet chapter of terror. Our only responsible option is to confront this threat before Americans die. Time works to the advantage of our enemies, not ours.

Under our Constitution, America speaks through the United States Constitution; and our resolution is very, very clear. The enemies of a free and a moral people will find no safe harbor in this world.

Today, the free world chooses strength over temporizing and timidity. Terrorists and tyrants will see that the fruits of their evil will be certain destruction by the forces of democracy.

Now we seek broad support, but I am telling my colleagues that fighting this war on terrorism by committee or consensus is a certain prescription for defeat. We will defend our country by defeating terrorists wherever they may flee around the world.

None of us take the gravity of this vote and its ramifications lightly, but history informs us that the dangers of complacency and inaction far outweigh the calculated risks of confronting evil.

In the fullness of time, America will be proud that in our hour of testing we chose the bold path of action, not the hollow comfort of appeasement.

So let us just take this stand today against tyranny. Let us take this stand against terror. Let us take this stand against fear. Let us stand with the President of the United States.

I say to my colleagues, just trust the cherished principles on which we were founded. Put faith in freedom and raise our voices and send this message to the world: The forces of freedom are on the march and terrorists will find no safe harbor in this world.

Mr. LANTOS. Mr. Speaker, it is with great pride in his judgment, wisdom and statesmanlike leadership that I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, 26 years ago, I was fortunate to be elected by my constituents to serve in this House, and I represent today the district in which I was born. I am proud that the people of my district trust me to try to represent them every day. It is an honor that I feel every day that I walk into this building, that I am carrying the hopes and wishes of over a half a million people in Missouri, and I know today is a moment of sacred responsibility.

We come into this building hundreds of times during the year to cast very important votes, but on days like today, when we consider how we will protect our Nation, our people, the districts we come from and represent, these are the days when we must look deep inside and make sure that what we are doing is right.

Our gravest responsibility as legislators is authorizing the President to use military force. Part of the majesty of our democracy is that we do not entrust this power to one human being, the President, but we share it with a co-equal branch of this government; and in a democracy, the decision to put American lives on the line or perhaps go to war is ultimately a decision of the American people through their elected representatives.

No one wants to go to war. No one wants to put our young men and women in harm's way, and I know we hope that our actions today will avert war. But our decision is not so simple, because we must weigh the dangers of sending our young people into hostilities against the threat presented by Iraq to our citizens' safety.

Every Member of Congress must make their own decision on the level of the threat posed by Iraq and what to do to respond to that threat. I have said many times to my colleagues that each Member should be guided by his or her conscience, free from others trying to politicize the issue or questioning others' motives.

This is an issue of life and death, and the preoccupation by some to ascribe political motives to the conclusion of each of us demeans all of us and what we are here to do.

Let me say to my colleagues and my constituents in Missouri why I have decided to vote for this resolution.

First, September 11 has made all the difference. The events of that tragic day jolted us to the enduring reality that terrorists not only seek to attack our interests abroad but also to strike us here at home. We have clear evidence now that they even desire to use weapons of mass destruction against us.

Before 9/11, we experienced the terrorist attacks on Khobar Towers, the USS *Cole*, on two embassies in Africa, but we did not believe it would happen here. On 9/11, it did happen here; and it can happen again.

September 11 was the ultimate wake-up call. We must now do everything in our power to prevent further terrorist attacks and ensure that an attack with a weapon of mass destruction cannot happen. The consequences of such an attack are unimaginable. We spent 50 years in a Cold War and trillions of dollars deterring a weapon of mass destruction attack on the United States by another country. Now we must prevent such an attack by terrorists who, unlike our previous adversaries, are willing to die.

□ 1345

In these new circumstances, deterrence well may not work. With these new dangers, prevention must work.

If my colleagues worry about terrorists getting weapons of mass destruction or their components from countries, the first candidate we must worry about is Iraq. The 12-year history of the U.N. effort to disarm Iraq convinces me that Iraq is a problem that must be dealt with diplomatically if we can, militarily if we must.

I did not come to this view overnight. It has, instead, evolved over time, as we have learned the facts about the Iraqi regime with clarity. As you know, I opposed the use of force against Iran in 1991 in favor of giving sanctions more time to work. Others supported force, but thought that by dislodging Iraq from Kuwait we would neutralize the threat. In hindsight, both of these assessments were wrong.

In 1991, no one knew the extent to which Saddam Hussein would sacrifice the needs of his people in order to sustain his hold on power, deceive the international community in order to preserve his weapons of mass destruction programs, or take hostile actions against U.S. interests in the region.

Saddam Hussein's track record is too compelling to ignore, and we know that he continues to develop weapons of mass destruction, including nuclear devices; and he may soon have the ability to use nuclear weapons against other nations. I believe we have an obligation to protect the United States by preventing him from getting these weapons and either using them himself or passing them or their components on to terrorists who share his destructive intent.

As I stated in a speech in June, I believe we must confront the threat posed by the current Iraqi regime directly. But given the stakes involved, and the potential risks to our security and the region, we must proceed carefully and deliberately. That is why I felt it was essential to engage in negotiations in order to craft an effective and responsible authorization for the use of force, if necessary, so we can defend our Nation and enforce U.N. resolutions pertaining to Iraq.

At the insistence of many of us, the resolution includes a provision urging President Bush to continue his efforts to get the U.N. to effectively enforce its own resolutions against Iraq. I have told the President directly, on numerous occasions, that in my view, and in the view of a lot of us, he must do everything he possibly can to achieve our objectives with the support of the United Nations. His speech to the U.N. on September 12 was an excellent beginning to this effort.

Exhausting all efforts at the U.N. is essential. But let us remember why. We started the U.N. over 50 years ago. We remain the greatest advocate of the rule of law, both domestically and internationally. We must do everything we can to get the U.N. to succeed. It is in our own self-interest to do that. In 1945, Harry Truman told the Senate that the creation of the U.N. constituted, in his words, an expression of national necessity. He said the U.N. points down the only road to enduring peace. He said let us not hesitate to start down that road, with God's help, and with firm resolve that we can and will reach our goal: peace and security for all Americans.

Completely bypassing the U.N. would set a dangerous precedent that would undoubtedly be used by other countries in the future to our and the world's detriment. It is too high a price to pay. I am glad the President said in his speech Monday that diplomacy is the first choice for resolving this matter.

This resolution also limits the scope and duration of the President's authority to use force. It requires Presidential determinations before our Armed Forces may be used against Iraq, including assurances to Congress that he has pursued all diplomatic means to address this threat and that any military action will not undermine our ongoing efforts against terrorism.

Finally, the bill provides for regular consultation with and reporting to Congress on the administration's diplomatic and military efforts and, of great importance to all Americans, the planning for assistance, reconstruction, and regional stabilization efforts in a postconflict Iraq.

The efforts we must undertake in a postconflict Iraq could be the most enduring challenge we face in this entire endeavor, which is another reason for doing everything humanly possible to

work through the U.N. to reach our goals.

Now a word on what this resolution, in my view, is not. In my view, it is not an endorsement or an acceptance of the President's new policy of preemption. Iraq is unique, and this resolution is a unique response. A full discussion of the President's new preemption policy must come at another time. But the acceptance of such a momentous change in policy must not be inferred from the language of this resolution.

It is also important to say that, thus far, the President's predominant response to 9–11 has been the use of military power. Obviously, self-defense requires the use of effective military force. But the exercise of military power is not a foreign policy. It is one means of implementing foreign policy. In the post-9–11 world, we must motivate and inform our citizens about how we construct a foreign policy that promotes universal values, improves living standards, increases freedom in all countries and, ultimately, prevents thousands and thousands of young people across this world from deciding to become terrorists. We will never defeat terrorism by dealing with its symptoms. We must get to its root causes.

In anticipation of the serious debate and vote that we have finally reached today, I have had many conversations with my colleagues and friends in this body, friends and colleagues that I respect deeply. I know for many of you this resolution is not what you want, and it is true for Democrats and some Republicans. And in some ways it is true for me. Many of my colleagues have had compelling arguments and important differences with this language. These differences do not diminish my respect or my trust for my colleagues as the true representatives of the people in this great Nation.

I believe, as a whole, the resolution incorporates the key notion that we want to give diplomacy the best possible opportunity to resolve this conflict, but we are prepared to take further steps, if necessary, to protect our Nation. I have heard in this debate some Members say they love America. I love America. I think every Member of this body loves America. That is not the issue. The issue is how to best protect America, and I believe this resolution does that.

I want to say a final word to those watching beyond our borders. To our friends around the world, I say thank you for standing with us in our time of trial. Your support strengthens the bonds of friendship between our people and the people of the world.

To our enemies, who watch this democratic debate and wonder if America speaks with one voice, I say have no doubt. We are united as a people in defending ourselves and we debate the best means for doing that. Do not mistake our resolve. Do not underestimate our determination. Do not misunderstand that we stand here today not as arguing Republicans and Democrats but as Americans, using the sacred right of free speech and thought and freedom to determine our collective course.

Finally, I thank God for those who have gone before us and used their freedom wisely, for those who have died to protect it and have created a stronger Nation and a better world because of their bravery. I pray that we may act today as wisely and courageously as those who have gone before. God bless this House. God bless America.

Mr. Speaker, as a co-author of H.J. Res. 114, I would like to take this opportunity to address certain elements of the joint resolution in order to clarify their intent.

As I stated in a speech I delivered in June, I believe we must confront the threat posed by the current Iraqi regime directly. But given the stakes involved and the potential risks to our security and the region, we must proceed carefully and deliberately.

That's why I felt it was essential to engage in negotiations in order to craft an effective and responsible authorization for the use of force if necessary—so we can defend our nation and enforce U.N. resolutions pertaining to Iraq.

At the insistence of many of us, the resolution includes provisions urging President Bush to continue his efforts to get the U.N. to effectively enforce its resolution against Iraq. I have told the President directly, on numerous occasions, that in my view of a lot of us, he must do everything he possibly can to achieve our objectives with the support of the United Nations. His speech to the U.N. on September 12 was an excellent beginning to this effort. Exhausting all efforts at the U.N. is essential.

Completely bypassing the U.N. would set a dangerous precedent that would undoubtedly be used by other countries in the future to our and the world's detriment. That is too high a price to pay. I am glad the President said in his speech Monday that diplomacy is the first choice for resolving this critical matter.

This resolution also limits the scope and duration of the President's authority to use force, unlike the Administrations original proposal. The resolution and its accompanying report define the threat posed by Iraq as consisting primarily of its weapons of mass destruction programs and its support for international terrorism. They also note that we should continue to press for Iraqi compliance with all outstanding U.N. resolutions, but suggest that we only contemplate using force to implement those that are relevant to our nation's security.

As for the duration of this authorization, this resolution confines it to the continuing threat posed by Iraq; that is, its current and ongoing weapons programs and support for terrorists. We do not want Congress to provide this or subsequent Presidents with open-ended authority to use force against any future threats that Iraq might pose to the United States that are not related to its current weapons of mass destruction programs and support for international terrorism. The President would need to seek a new authorization from Congress to respond to any such future threats.

Third, this resolution requires important presidential determinations to Congress before our Armed Forces are used against Iraq. These include assurances by the President that he has pursued all diplomatic and other peaceful means to address the continuing threat posed by Iraq, and that any military action against Iraq will not undermine our ongoing efforts against terrorism. These determinations ensure that the Executive Branch remains accountable to Congress if it resorts to military force, and stays focused on the broader war on terrorism that must remain of highest priority.

Finally, the bill provides for regular consultation with and reporting to Congress on the Administration's diplomatic and military efforts and, of great importance to all Americans, on the planning for assistance, reconstruction and regional stabilization efforts in a post-conflict Iraq. The efforts we must undertake in a post-conflict Iraq could be the most enduring challenge we face in this entire endeavor, which is another reason for doing everything humanly possible to work through the U.N. to reach our goals.

Mr. HYDE. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, let me just take a moment to appreciate this body. I had resolved to cherish my last days in this body by being as attentive as I could to everything that I had the privilege of experiencing.

For the past 2 days, I have watched my friends in this body, from both sides of the aisle, from both sides of the issue, conduct what has to be regarded as one of the greatest debates we have seen in this body during my tenure here. I have been struck in the last 2 days with the sobriety, the thoughtfulness, the eloquence, and the respect with which the countervailing positions have been presented. And I would like to say thank you to my colleagues for letting me be part of this debate.

The distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), had a sentence in his speech we heard just a minute ago where he said we had to see the facts with clarity. To see the facts with clarity. This is not an ideological debate. This is not a debate about philosophy. This is a debate about the sober business of safety in the face of danger, honor in the face of fear, responsibility in the face of timidity. We must turn to the facts when we face issues of this gravity, and we have done that.

Intensely, for the last month or so, most of us have been looking at the facts that we hoped we would never have to pay attention to. Let me just relate some of my travels in this past month through the facts.

Is Saddam evil? Who could doubt it? The evils that this man perpetrates, as described on this floor by our young colleague, the gentleman from Wisconsin (Mr. RYAN), from a book he read from, strike terror in the heart of the worst that we have ever seen before.

This man is evil. It is an evil that this world should never have to observe and that the poor victims, particularly those in Iraq, should not have to live with on a daily basis. The atrocities

are beyond belief, beyond tolerance. And those poor people in Iraq live with it each day, afraid to leave their home, afraid to speak at their own dinner table, frightened for their children who might be tortured in order to punish the parents' careless moment.

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Saddam is evil. That is a fact.

Does he have dangerous assets? More so than we thought, more so than we ever wanted to believe. And does he have an ongoing, consistent program and plan to acquire, to enhance those evil assets that are described by the term weapons of mass destruction, beyond what any of us imagined?

The acquisition of the weaponry, the resources, the resourcefulness, the ability to put together the device that would destroy hundreds of thousands in a fell swoop has never been even mitigated against by the commitments he made to the U.N. 11 years ago.

Can he strike our interests, our citizens, our land, and our responsibilities with them? Irrefutably, yes. Through the conventional means that we recognize and fear, things like SCUD missiles, yes. American people, American citizens, American resources in his immediate area, through the insidious means that would be deployed by his ongoing working relationship with a myriad of evil terrorist organizations, yes. Through simple-looking, innocent-looking little suitcases left in a train depot, a service station, an airport in Chicago, Illinois. Yes, he can strike us, our interests and our responsibilities. I know no other way to put that.

America is the most unique Nation ever in the history of the world. We have accepted responsibility for freedom, safety, and dignity of people other than ourselves. Those proud nations with those brave people that live as islands of freedom and hope within seas of threat and terror look for and understand they can depend upon the protection of the United States. That is who we are, that is who we have been, our heroes, our parents.

They spent their heroism, they spent their life all too often on foreign, distant lands fighting for the freedom of people other than themselves. No other nation has ever done that like we have done.

A nation such as Israel, not exclusively Israel, but right now in the world today, at a level of danger that is unparalleled by any other nation of the world, Israel struggles for its freedom, safety and dignity; and it is in imminent, immediate danger by a strike from Saddam Hussein. And that represents a responsibility we have, not only to what role we have played in the world, not only to our heroes who have acted it out and sacrificed, but to the character of this Nation that we cherish and protect.

I have said it as clearly as I can. To me, an attack on Israel is an attack on America; and it is imminently in danger.

Will he do so? Who can doubt that? He has a record of having done so that is deplorable in the most evil and insidious ways. The question is when will he do so; not will he do so.

Why does one violate one's own commitments to the world, to the United Nations accord with resolve, and consistently acquire these resources if you have no intent to use them? Why do you deny your own citizens the resources for food and shelter and clothing and health care in order to divert that to the expenditure on weapons of mass destruction and instruments of horror if you do not intend to use them? Why would he deny his own clear volitions in actions past if he had the resources to strike? Saddam will strike.

Is action against Saddam compliant with the character of our great Nation? I struggled with this. It was a hurdle for me for a long time. It all gets involved with this question of preemptive strike.

First of all, it is not a preemptive strike. This is a man who has consistently been in violation of his own commitments to the world for 11 years. As I put it, this snake is out of his hole. We are not striking an innocent here, we are correcting an error of complacency. So it is not a question of a new doctrine.

But even if we were to examine the doctrine of preemptive strike, let us not forget the Cuban missile crisis. An embargo on the high seas is an act of war, and the threat to us I would submit was not as dangerous as it was at that time, and it was certainly not so insidious as it is today.

There have been other instances in our history. When necessary, America does what it needs to do to keep America safe. America does have a pride which is exhibited in movies like ''13 Days'' for the courage that was displayed when the action was necessary.

There is an argument that this is a diversion from the war on terrorism. If we are going to conduct a war on terrorism, then we must stop that person who is most likely and most able to arm the terrorists with those things which will frighten us the most. A strike on Saddam is an integral part, a necessary part, of the war on terrorism.

Now we turn to questions about our ability. Can we be swift and decisive and conduct this operation with minimal risk to the brave men and women that we ask to carry it out?

It is possible. We saw that in Desert Storm. It is even more possible now. It will be a difficult operation, and our people will be at risk. But we have the resources and the resourcefulness, and we have the ability to plan and execute an operation that rids the world of this scourge conducted by our young men and women and their allies in such a manner to keep them at minimal risk.

That is all we can do, the moral imperative that we have, when we ask our brave young men and women who have volunteered to serve this Nation and the world in the cause of freedom, to take the field of danger, we have an obligation, and we can say we can construct the plan, outfit you in such a way, support you in such a manner that you can carry out this deed with minimal risk. We can do that. We will do that. We have an administration. We have a Secretary of Defense that respects our people.

Should we vote this resolution that says in effect that we, the Congress of the United States, the representation of the people of the United States, say, Mr. President, we trust you and we rely on you in a dangerous time to be our Commander-in-Chief and to use the resources we place at your disposal? Yes, even by two bills we will vote on later today, to protect freedom? The answer is, yes.

Mr. President, we are about to give you a great trust. Those brave young men and women who have volunteered in our Nation's military services of their own free will to take their place in history alongside the American heroes of the past deserve our respect and our support, Mr. President. We trust that you will plan for them, use them, care for them, and be guided by your own notion of tender mercies.

But we also have an obligation to the parents, the children, the siblings, the grandparents of those brave young men and women. We lend our children to the cause of liberty. I have said so many times. I do not care if he is 240 pounds of solid muscle, the brightest kid in the class, when he puts on that uniform, he is my baby and I have fear, and I demand that you treat him properly as his Commander-in-Chief.

We all have that right to expect. Can we expect that from this President? I would say so.

Mr. Speaker, I was speaking yesterday with the gentleman from Indiana (Mr. BUYER), who remembered embarking for Desert Storm, saying good-bye to his family. At the last moment, he approached his father, proud veteran of the Korean War with his veteran's hat. His proud father put his hands on Steve's shoulder and looked at him and said, ''You are the best I have to give.''

Mr. President, we trust to you the best we have to give. Use them well so they can come home and say to our grandchildren, Sleep safely, my baby.

Mr. MARKEY. Mr. Speaker, the President has asked this Congress to support action that foresees the possibility of sending our loved ones—our sons and daughters, brothers and sisters, friends and neighbors—into combat in a foreign land. No more serious a decision ever faces Congress.

The threat that we confront is Saddam Hussein. Saddam is in a category of his own. No other head-of-state has been the subject of an 11-year international campaign to disarm and sanction him. He has invaded two of his neighbors, assassinated 16 of his own family members, tried to assassinate former President Bush, lied about his weapons buildup, fired missiles at Israel, and gassed his own people. The prospect that such a despot has

biological and chemical weapons—anthrax, sarin gas, smallpox—and is nearing nuclear capability is a looming threat to millions.

We as a nation have the responsibility to stop him.

I would have preferred that we proceed in the manner outlined in the Spratt substitute, which would have given the President all the authority needed at this time to disarm Saddam. The Spratt substitute would have allowed the UN to proceed with tough ''anytime-anywhere'' inspections, given the UN the military backing to make those inspections work, and ensured that Saddam Hussein lost his capacity to threaten the world.

Unfortunately, the Spratt substitute failed, and we are now faced with a vote, up or down, on the broader resolution negotiated between the White House, Minority Leader GEPHARDT, and others.

This too would accomplish the goal of giving the President sufficient authority to enforce UN resolutions regarding Iraq, particularly those that address the continuing threat posed by Iraq's possession and development of chemical, biological and nuclear capabilities.

Although this is a broader resolution than the Spratt resolution, I will vote for it because it represents the best remaining hope of disarming Saddam. While the resolution does not require it, the President has said that it is his intention to continue to work towards a new UN resolution that can make the inspections program effective.

The President initially resisted going to the UN, but he changed course. He initially resisted coming to Congress to explain his purpose and to seek our support, but he changed course. We should respect the distance he has traveled towards a multilateral, measured process that includes the UN. We should support him as long as he remains on that course.

I do so today knowing full well this administration's record on the issue of nonproliferation, arms control and multilateral treaties has often been incomprehensible. At times he has spoken and acted as if he would prefer to act without allies and without the UN. Several weeks ago, the President announced a strategic doctrine that embraces the ''preemptive use of force'' as its touchstone. This new Bush Doctrine is dangerous and destabilizing in its own right. It makes it harder to hold together the fragile international coalition on which we rely for success in the ongoing war on terror.

The contradictions and double-standards that define his non-proliferation policy are particularly troubling. His ''Axis of Evil'' speech, for example, lumped together Iraq, Iran and North Korea in a turn of the phrase that is hard to untie. They have all been accused of attempting to acquire weapons of mass destruction. Yet our response in Iran is not to use force, but to complain to the Russians about their sale of reactors to Iran that could facilitate the acquisition of nuclear weapons. And in North Korea, our response is to make our own sale of nuclear reactors to that country. The President has also failed to seek Senate ratification of the Comprehensive Test Ban, pursued new nuclear weapons like the earth penetrating warheads, and turned his back on the biological weapons convention. This makes no sense and belies a lack of any coherent policy at all.

It is certainly true that George W. Bush is not the first president to be self-contradictory regarding weapons of mass destruction. I have spent considerable effort during the last 26 years working to prevent the constant undermining of nonproliferation policy by both Democratic and Republican administrations. The Carter Administration shipped nuclear fuel to India notwithstanding that countries' ongoing undeclared nuclear weapons program. The Reagan Administration condemned Israel in the UN for destroying Saddam's Osirak nuclear reactor. The same administration promoted nuclear trade with the apartheid regime in South Africa. Both President Reagan and President Clinton allowed trade with Communist China to trump efforts to stop China from retransferring nuclear materials and technology to Pakistan.

Now it is the Bush administration that fails to connect the dots of weapons proliferation. When he promotes nuclear reprocessing, or tritium production for bombs in commercial reactors, he undermines nonproliferation. When he allows the export of sensitive nuclear technology, discards the comprehensive test ban treaty, or fails to negotiate progressive measures leading to global disarmament—as mandated by Article VI of the Nuclear Non-Proliferation Treaty—he strengthens the proliferators.

These decisions come back to haunt us when, as now, we find that diplomatic options are exhausted and the use of force appears necessary.

But even as our overall nonproliferation policy keeps lurching from side to side, the United States and the international community have, in the particular case of Iraq, remained focused for more than a decade on the very real menace of Saddam's drive to acquire and use weapons of mass destruction against his perceived enemies.

Now, after 11 years of insufficient inspections and sanctions, we cannot stand idle. Something has to change. We have nearly exhausted the non-violent alternatives. The sanctions are contributing to a significant loss of innocent life daily. Saddam has built up his chemical and biological weapons capacities during this period and he has missiles to deliver a nuclear payload and the money to buy it. It is apparent that but for our demonstration of resolve to follow through the UN-sponsored goal of disarming him, Saddam Hussein intends to make good on his pledge to acquire nuclear weapons.

I wish the resort to force were unnecessary and, if the inspections can be made effective, armed conflict can still be avoided. But while force is a last resort, is an option that cannot be ruled out if we intend to deal effectively with Saddam Hussein.

Ms. ROYBAL-ALLARD. Mr. Speaker, like my colleagues of both parties and in both chambers, the national debate on whether or not to go to war with Iraq, and under what circumstances, has weighed heavily on my mind and heart.

For, clearly, sending the young men and women of our armed forces into harm's way is one of the most serious and far reaching decisions a member of Congress will ever have to make.

Like all Americans, I take pride in the fact that we are a peaceful nation, but one that will defend itself if needed against real and imminent dangers.

Like all Americans, I take very seriously our responsibility as the world's global superpower, and realize how our words and actions can have huge repercussions throughout the world.

For that reason, I attended briefings and studied the materials provided us. I have listened to the administration, my constituents, my colleagues on both sides of the issue, both sides of the aisle, and both sides of this Congress, and I remain deeply concerned about our march to war without a supportive coalition, nor a clear and moral justification.

Before making a final decision on how to cast my vote, I also asked myself, as a mother, what would I want our nation's leaders to do before sending my son, my daughter or any loved one to war.

While I support our President's efforts to keep our nation and the world safe, I firmly believe that the President has not made the case for granting him the far-reaching power to declare preemptive and unilateral war against Iraq.

There is no question that Sadam Hussein is a dangerous and unconscionable dictator with little regard for human life. And, there is no question that he must be disarmed and removed from power.

The facts presented thus far however, do not support the premise that Sadam is an immediate danger to our country. For that reason, I believe it is in the best interest of our nation and our American troops to make every possible effort to prevent war by exhausting diplomatic efforts, by giving United Nations weapons inspectors the resources and opportunity to perform their work, and by establishing a United Nations Security Council multilateral coalition to use force if necessary.

If this fails, the President can then bring his case to Congress on the need to initiate a unilateral pre-emptive strike against Iraq because a blank check authorization for military force at this time is unacceptable. I cannot in good conscience support the administration's request for near 'carte blanche' authority to wage war when the case to do so has not been justified.

I will, however, support the resolutions of my colleagues Representative BARBARA LEE and Representative JOHN SPRATT. The Lee resolution urges congress to work with the United Nations using all peaceful means possible to resolve the issue of Iraqi weapons of mass destruction. The Spratt resolution includes similar requirements with regard to the United Nations, but also authorizes the use of force if the United Nations efforts fail.

The Spratt resolution brings responsibility and accountability to our effort to protect our country against Sadam Hussein, and makes the Administration and the Congress joint partners in any military action against Iraq. The Spratt proposal honors our nation's fundamental system of checks and balances.

And, makes it possible for me to say to my constituents, and our sons and daughters: ''I did everything in my power to keep you from harm's way.''

Mr. UNDERWOOD. Mr. Speaker, on behalf of the people of Guam, I would like to express my support for President Bush and the international community in forcefully addressing the threat posed by Saddam Hussein and his regime in Iraq. In this regard, I strongly support the efforts of the President to seek and secure unconditional Iraqi compliance with full-fledged arms inspections. His seeking United Nations renewal and approval of these efforts

is to be commended and supported by this Congress. However, while I believe that the United States must act to disarm Iraq, I hope that we do not do so alone. I support efforts to gain as much international backing as possible to meet our disarmament objective. We must act alone only if absolutely necessary and only after the international community has been given the full opportunity to support this important cause.

In the course of debate on this important issue, I believe that I must also express my concerns about the impact that an impending armed conflict in the Middle East will have on my home island of Guam. As the Member of Congress representing a district located closest to the area of concern and to the theater of operation that our Armed Forces may be increasingly engaged in as a result of this resolution, I remain acutely aware of the challenges we find ourselves confronted with today. As I indicated on the House floor last week, these challenges do not affect all communities around the country in the same way. The people of Guam will undoubtedly feel the effects of a decision to use force against Iraq in many disproportionate ways. History proves this to be the case.

Servicemen and women from Guam will likely find themselves contributing to the war effort in higher numbers per capita than most other U.S. jurisdictions. Sadly, this may result in higher casualties for our service members than it would for other communities. During each major war of the last century, World War I, World War II, Korea, Vietnam and the Persian Gulf War, Guam endured disproportionate military casualties of native sons per capita in the United States. Today, our people serve disproportionately in high numbers in the armed services. While this demonstrates our support for the nation's military, it also underscores our vulnerability to war's disproportionate effects on our community.

Although, we would inevitably witness a build-up in military activity on our island, the economy of Guam would be adversely impacted by any decision to go to war. We are directly economically challenged by this impending armed conflict because our economy is primarily based on tourism. Eighty percent of our visitors come from Japan and nothing is more disconcerting to Japanese tourists than the prospect of war and conflict. If the situation which occurred in Guam immediately after the Gulf War crisis or immediately after September 11 of last year again unfolds as a result of an armed conflict with Iraq, we will see a dramatic downturn in visitor arrivals which in turn will further weaken our struggling economy.

However, despite these probable disproportionate effects, for which we will prepare to cope with, I stand in strong support to the use of force should Saddam Hussein continue to pose an imminent threat to regional and world peace and security. His efforts to produce weapons of mass destruction are just as troubling to us in Guam as they are for the rest of the country. His weapons of mass destruction stockpile and capability must be permanently eliminated. His threatening and deplorable behavior must be confronted and stopped. His flagrant violation of international law must be directly dealt with and his disarmament obligation must be compelled. As a member of the House Armed Services Committee, I understand, through voluminous testimony that has been presented to the committee over the past few weeks, that this is a matter of serious importance that demands our immediate action.

Guam has time and time again done its part to support the foreign and military policy of the United States in the Western Pacific region. In 1975, more than 115,000 evacuees from the fall of Vietnam were repatriated via Guam as part of Operation New Life. In 1996, 6,600 Kurdish refugees who feared retaliation by Saddam Hussein were housed and comforted on Guam as part of Operation Pacific Haven. In the aftermath of the terrorist attacks of September 11, 2001, Guam has served as a vital part of our national effort to protect our homeland and an essential military base in the war against terrorism. Combat aircraft capable of intercepting and diverting any unauthorized or threatening aircraft that would approach the continental United States from the Pacific, was quickly positioned on Guam as part of Operational Noble Eagle. Andersen Air Force Base has served as a critical air bridge for airlift in support of Operation Enduring Freedom. Here again, we find ourselves ready to support the nation during this urgent situation, ready to do our part in the effort to further rid the world of terror.

As our country prepares to address the threat posed by Saddam Hussein and his regime, I want to reiterate the people of Guam's support for our troops and Guam's role to assist our nation in our national security needs in the Western Pacific region.

Mr. BLUMENAUER. Mr. Speaker, thank you for the opportunity to offer my support for Mr. SPRATT's Amendment to the proposed Joint resolution. Its emphasis—on international action, the role of the United Nations and diplomatic means to achieve full compliance with multinational efforts to destroy Iraq's capability to produce and deliver weapons of mass destruction—is exactly right.

This amendment includes key elements of the proposal for compulsory arms inspections put forward by the Carnegie Endowment for International Peace to the House International Relations Committee. I was impressed with the wisdom of that third approach then, and I am now.

This Amendment recognizes and honors Congress' role in the initiation of war and in monitoring its conduct. It rightly places our actions within a broader multi-lateral framework and calls on the international community, particularly Arab and Islamic countries, to work with the United States in the post-conflict reconstruction of Iraq.

For all these reasons, I urge adoption of the Amendment offered by the gentleman from South Carolina.

Mr. LEVIN. Mr. Speaker, the more one hears of this debate in Congress and among the American people, the more puzzling it is that the approach in the Spratt resolution was not adopted.

The Spratt Resolution states clearly the need to act to totally disarm Saddam Hussein of his weapons of mass destruction.

It authorized the Use of U.S. Armed Forces within the framework of international collective action as embodied in U.N. Security Council resolutions seeking to disarm Iraq and providing for force by member states to ensure compliance.

If that collective international effort fails, the Spratt resolution spelled out an expedited procedure for the President to seek the authorization to proceed unilaterally in a war against Iraq.

So, why not the Spratt resolution?

It would have far more effectively achieved the goal of the President that we speak today with one voice.

The approach in the Spratt resolution would have maximized the chances of success in disarming Saddam Hussein and minimized the potential adverse consequences for the U.S. in going it alone, in terms of reactions throughout the world, stability in the region, cooperation in the war against terrorism and in broad participation in the aftermath of a war in Iraq.

It would keep the pressure on the U.N. to act, avoiding the inconsistency in the Administration's approach of saying to the U.N. ''act,'' ''be relevant,'' ''hold Iraq to account'' but potentially taking it off the hook in advance because the U.S. will go it alone.

While emphasizing collective action, the Spratt alternative explicitly did not bind the U.S. to whatever is done by the U.N., but leaves the U.S. what it must have, final say over its policies and actions. We are not ceding to the U.N. We are leading the world as the remaining superpower.

So why not Spratt?

Because its emphasis is on achieving collective action rather than proceeding unilaterally. The resistance of the Administration to that approach is consistent with the general strategy laid out in its new doctrine stated a few weeks ago, our use of pre-emptive first strikes in situations short of imminent danger with only cursory effort to proceed collectively. It is that very backdrop for the Administration's approach on Iraq that should make us all pause.

Or, because Spratt does state clearly the objective is total disarmament of all weapons of mass destruction. While sometimes implying otherwise, the President's speech earlier this week make clear that the Administration sine qua non is regime change, whatever the success in disarming Saddam Hussein. That also must give us pause.

We should not blur these important differences.

These are the reasons that I voted for the Spratt resolution and opposed the Administration's resolution.

Mr. TAUZIN. Mr. Speaker, today I rise in support of the bipartisan resolution to authorize the use of military force against Iraq.

When President Bush addressed the nation following the terrorist attacks of September 11th, he made it entirely clear that the United States would not tolerate nations that harbor terrorists. Like the President, I believe a nation that provides a safe-haven for the likes of al-Qaeda is no different than the terrorist themselves. We know Saddam Hussein harbors terrorists in Iraq, funds terrorist training camps, and supports the families of suicide bombers.

He possesses and continues to develop biological and chemical weapons and seeks to build a nuclear bomb. We know he will try to use this bomb against the United States or our allies if he gets his hands on one. He already has unleashed biological and chemical weapons upon his own people, killing thousands. What more do we need to know? We must stand ready to take action before it is too late.

I want to make clear to every American, especially the folks in my home state of Louisiana, that this decision to possibly send our

young service men and women into harms way is not about settling unfinished business. Nor is it about oil or taking control of Iraqi oil fields. This is about a grave and present threat against our people, today.

Saddam Hussein is a tyrannical dictator who hates America and who will use any means possible to attack us if given the opportunity. We cannot allow Saddam that opportunity. Our only option is to take every precaution to ensure the safety of our citizens.

Whether the next direct threat against the United States comes in the form of retaliation from Iraq or from any other terrorist entity, we must be prepared for the possibility of a biological or chemical attack against Americans, here or abroad. Today, I can say with confidence that America's public health emergency system is better prepared to respond to such an attack as a result of the comprehensive bioterrorism preparedness bill that I worked hard to help write and enact.

This sweeping legislation, signed into law by the President in June, dramatically improves our nation's ability to respond swiftly and effectively to new and emerging terrorist threats. This major milestone covers everything from public health preparedness and improvements, to enhancing controls on deadly biological agents, to protecting our food, drug, and drinking water supplies and improving communications between all levels of government, public health officials, first responders and health providers.

Mr. Speaker, this threat to our national security is one we can conquer. We have the means, and I believe as the President does that ''we must act now before waiting for final proof—the smoking gun—that could come in the form of a mushroom cloud.''

Mr. OSE. Mr. Speaker, my greatest responsibility as a Member of Congress is to protect America against all enemies, foreign and domestic. This responsibility includes taking preemptive action, if necessary, to protect our homeland and national security interests. On September 14, 2001, Congress adopted a resolution that authorized the President to take such action.

Iraq must follow the terms it agreed to at the end of the Gulf War, cease its attacks on U.S. and other peacekeepers in the region, end its promotion of terrorism and weapons of mass destruction, and end its persecution of its own people. Should Iraq continue to ignore the 12 U.N. Resolutions and the agreements he made at the end of the Gulf War, I will support President Bush in the actions he sees necessary to ensure the safety of our citizens, as well as our allies and interests abroad. The vote today makes clear to Saddam Hussein that time for Iraq to finally meet the requirements of the international community has run out.

Mr. SIMPSON. Mr. Speaker, I want to take just a few minutes to outline my thoughts on the Resolution before the House today and the reasons why I have decided I must vote in its favor.

Throughout the past few months, I have been supportive of efforts that would allow our nation to first pursue Iraq's compliance with existing U.N. resolutions and eventually engage our allies in a united effort to force a regime change in Iraq. Early discussions and versions of the Congressional Resolution on which we are about to vote had very broad authorities for the President associated with the threat posed by Iraq—something that caused concern for me and many of my colleagues on both sides of the political aisle.

As more evidence of Iraq's growing ability to develop and deliver weapons of mass destruction has emerged, I think it is clear that the patience required to avoid armed conflict must be balanced against the severe and catastrophic consequences of waiting too long to act. We simply cannot wait to act, either with the United Nations or unilaterally, until Iraq actually uses its weapons of mass destruction against its enemies or completes its development of a working nuclear weapon. I believe a recent dossier on Iraq, written by the British Government, clearly illustrates the threat posed by Saddam Hussein. Among its findings were the following:

Iraq has continued to develop chemical and biological weapons, including anthrax, mustard gas, sarin nerve gas, and VX nerve gas;

Iraq has military plans for the use of chemical and biological weapons, some of which are deployable within 45 minutes;

Iraq has developed mobile laboratories for the production of biological weapons;

Iraq has tried to covertly acquire technology and materials for use in the production of nuclear weapons;

Iraq has sought uranium from South Africa despite having no active civil nuclear power program that might need it;

Iraq is in various stages of development and deployment of a number of missile systems capable of delivering weapons of mass destruction over vast distances; and

Iraq has learned a great deal from past experiences with weapons inspections and has undertaken an aggressive program to conceal sensitive equipment and documentation in the event weapons inspectors return in the future.

To even the most cynical critic of armed conflict, these realities have to represent a clear and present danger to the security of the middle-east and an undeniable threat to the security interests of the United States.

I think it is also important to note that the development and possession of these weapons of mass destruction by Iraq are in direct violation of international law. Iraq, under a variety of U.N. resolutions, is required to destroy its vast inventory of these weapons under the supervision of the United Nations. Sadly, this is not the only way in which Iraq has violated its international obligations. In 2002 alone, Iraqi forces have fired on U.S. and British pilots 406 times and continue this hostility every day. In addition, recently released classified photos shows Iraq rebuilding its weapons factories and U.S. National Security Advisor Condoleezza Rice recently revealed that Iraq provided training to al-Qaida in chemical weapons development and trained terrorists—information corroborated in the British Dossier.

I want to commend President Bush and leaders of both parties of Congress, including House Speaker DENNIS J. HASTERT and House Minority Leader RICHARD GEPHARDT, for working together, setting political differences aside, and drafting the Resolution before us today. I firmly believe this Resolution provides the President the authority he needs to protect the American people and the rest of the world from Saddam Hussein's growing appetite for weapons of mass destruction—including nuclear weapons. At the same time, the Resolution leaves open the possibility for a peaceful end to this international crisis and places the responsibility for avoiding armed conflict directly on Saddam Hussein. His actions over the coming weeks will determine whether the United States, Great Britain, and a number of our allies are forced to act to protect the world from his own aggression.

Specifically, the Resolution:

Authorizes the President to defend the U.S. by military force against threats from Iraq, and enforce existing U.N. Security Council resolutions;

Requires the President to determine that further diplomacy initiatives will not adequately protect our national security;

Requires a report to Congress at least every 60 days on the status of efforts to protect the U.S.;

Authorizes action by the President consistent with the War Powers Resolution; and

Contains a sense of Congress resolution supporting the President's efforts to obtain a U.N. Security Council resolution to ensure that Iraq immediately complies with all relevant Security Council resolutions.

I want to report that this Resolution is not the blank check for war that some of its opponents are portraying it to be. In fact, this Resolution leaves plenty of room for a peaceful resolution to this conflict, urges cooperation with the United Nations and our allies, and ensures Congress's constitutional role is protected.

While I have been a proponent of seeking the participation of our allies in any action we might take against Iraq, I think it is important to remember that we have the right to act unilaterally in the defense of our nation and its interests. This resolution protects that right while recognizing the importance of securing the cooperation of the international community.

Although I feel it is regrettable that we are now at a point where we must consider armed conflict with Iraq to protect the world from its aggression, it is impossible to ignore any longer the devastating risks of continued inaction. Saddam Hussein is solely responsible for bringing the United States and the international community to this point. While I remain hopeful we can find a peaceful resolution to this dispute, the overwhelming body of evidence points to only one conclusion—Saddam Hussein must be disarmed immediately through either his actions or our own.

For that reason, Mr. Speaker, I will vote in support of the Resolution before us today and stand behind President Bush in his efforts to protect our nation from the horrors Saddam Hussein seems committed to unleashing on his enemies and the world.

Mr. HOLT. Mr. Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents sat down with me. ''Why have we gotten into this headlong rush into war,'' he asked? Why haven't we first exhausted all the other possibilities for dealing with Saddam?'' His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote ''no'' on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Middle East, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant

violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I have followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature, and more likely contrary to our national interest, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would unilateral American military action against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will an attack against Iraq strengthen or weaken our more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world and make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake action that makes more likely the very thing we want to prevent? A cornered Saddam Hussein could release his arsenal of chemical, biological, and possible nuclear weapons on American soldiers or on his neighbors in the region, including Israel. The CIA recently reported that Iraq is more likely to initiate a chemical or biological attack on the United States if Saddam concludes that a U.S.-led invasion can no longer be deterred.

In addition, I am also concerned that a unilateral American invasion of Iraq would send a destabilizing shockwave throughout the Middle East and ignite violent anti-Americanism, giving rise to future threats to our national security. While I have no doubt that we can successfully depose Saddam Hussein, I am concerned that the act of extinguishing Saddam would inflame, rather than diminish, the terrorist threat to the United States. And the ensuing anti-American sentiment could reinvigorate the terrorists' pursuit of the loose nuclear weapons in the former Soviet Union—a greater threat than Iraq, I might add, one that American has largely neglected.

The Administration has tried and failed to prove that Saddam's regime is a grave and immediate threat to American security. It has also simply failed to explain to the American public what our responsibilities would be in a post-Saddam Iraq. How will we guarantee the security of our soldiers and the Iraqi people? How will we guarantee the success of a democratic transition? How many hundreds of billions of dollars would it cost to rebuild Iraq?

This resolution would give the President a blank check, in the words of many of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine. By taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order.

Instead, we can and should take the lead in eliminating the threat posed by Saddam Hussein not by taking unilateral military action. If we consult actively with our allies in the region, with NATO, with the U.N. Security Council, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

As the world's leading power, we should use the full diplomatic force at our disposal to work with our allies to get inspectors back into Iraq without any preconditions—including access to Saddam's presidential palaces. We can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last resort.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in support of the Spratt substitute to H.J. Res. 114, the Hastert/Gephardt resolution authorizing military action against Iraq. Nearly all of us agree that Saddam Hussein is a mass murderer who is in control of biological and chemical weapons of mass destruction—and reaching for nuclear weapons as well. The Spratt substitute recognizes the grave threat that Saddam Hussein poses to security in the Middle East and around the world. The Spratt substitute authorizes the use of force through a prudent multinational approach. In contrast, the Hastert/Gephardt resolution, which I will oppose, authorizes unilateral military action on the part of the United States without first making sure that all possible steps have been taken to organize multinational, world-wide support against Saddam Hussein.

I also note that I am opposed to the substitute amendment offered by Representative LEE of California, but for the opposite reason. That resolution does not re-enforce our commitment to wage the critically important War on Terrorism, nor does it set out any path that would require Saddam Hussein to rid his regime of weapons of mass destruction. While it is clearly a mistake to act in haste, it would be an even worse mistake to not act at all.

As Connecticut's senior member on the House Armed Services Committee, as well as a member of the Committee's Special Oversight Panel on Terrorism, I want to share my deep concern regarding four key issues relating to the Hastert/Gephardt resolution on Iraq.

First, it would be a fundamental abdication of American leadership if, before taking action against Iraq, we don't make every effort to bring the family of nations with us, just as we did in the first Gulf War, and have done in the War on Terrorism. Unilateral action by this nation against Iraq raises very disturbing issues, including the reaction of other Arab states, which could further destabilize the Middle East, incite further terrorist hatred against us, and even potentially metastasize the Middle East conflict into the ongoing nuclear standout between Pakistan and India. Only a cohesive multinational approach, most preferably under the authority of the United Nations, would minimize these risks.

Second, it seems unlikely that unilateral war with Iraq can be carried out without an adverse impact on the War on Terrorism. America certainly has the ability to do militarily almost anything it wants. The issue is prudence not capability. As President Abraham Lincoln said during the middle of the American Civil War, when England was looking to pick a fight with the United States, it is best to fight ''One war at a time.'' We have successfully built a global coalition to fight terrorism. Many nations, some even traditionally hostile to our interests, have assisted in our efforts to destroy the al Qa'ida network, and bring to justice the perpetrators of the September 11 attacks. This work should remain the first priority of national security. A unilateral attack on Iraq will destroy that coalition, and make it much more difficult—perhaps even impossible—for us to complete our anti-terrorism efforts. Many Arab nations would break with our coalition, and nations like Russia and China, even France, might well follow suit.

Third, a less than fully multinational approach increases the chance that Saddam Hussein will use weapons of mass destruction against us. In a letter dated October 7, 2002, to the Senate Intelligence Committee, the Director of the Central Intelligence Agency said, ''Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.'' Should we act unilaterally, the United States would expose ourselves to the greatly increased likelihood of a weapons of mass destruction attack. Saddam Hussein cannot achieve the same kind of ''vengeance'' in attacking a coalition that includes fellow Arab states. We can best mitigate the threat of Saddam Hussein using weapons of mass destruction against us by having our actions endorsed by the U.N. Security Council and by operating in cooperation with the nations of the region. That is also the strategy that appears to be most likely to produce a resolution of the matter without Saddam Hussein using force of any kind. Saddam Hussein, facing a united, determined opposition coalition of nations would be more likely to assent to real inspections and disarmament if his only alternative was total defeat, including his being stripped of the ability to single out the United States for vengeance.

Fourth, and finally, we need a clear exit strategy for any military engagement. The commitment to disarm Iraq and oust Saddam Hussein brings with it, according to the best military estimates, at least a decade of occupation and engagement in the stability and security of that country. I have great pride and confidence in our military and its capabilities, but there is a large danger in devoting them to such a huge task while other major threats still persist around the world, including North Korea and Iran, the other two nations of the ''Axis of Evil.'' Operating in conjunction with the United Nations will provide our forces with such a clear exit strategy. Specifically, U.N. peacekeeping forces will be put in place following the liberation of Iraq. The U.N. can then help bring Iraq back into the community of law-abiding nations, which is a task properly and fully within its mission.

I have based these decisions on the series of briefings I have attended as a member of the House Armed Services Committee, numerous conversations with constituents and my colleagues, and my own best judgment of what is patriotically both in the long and short-term interests of our country. I have listened intently to all sides in the debate, most recently meeting this morning with Secretary Rumsfeld at the Pentagon.

Having carried out the due consideration that this issue demands, I conclude that I cannot support the Hastert/Gephardt resolution that would allow a pre-emptive unilateral attack without requiring that every effort at a

multinational approach had been exhausted. I therefore urge my colleagues to join me in supporting the strong, but prudent and responsible, Spratt substitute that authorizes the use of force, but assures that such force (1) is carried out in concurrence with the community of nations, or (2) failing to secure such concurrence, is specifically authorized in the cold light of a future day reserved for that purpose. Any more open-ended resolution, including that offered by Speaker HASTERT and Leader GEPHARDT, does not provide the thorough, specific review and deliberation that the authorization of war demands of the Congress of the United States.

I conclude by expressing my heartfelt appreciation, shared by my colleagues on all sides of this debate, for our men and women in uniform. Whatever the decision made today, I stand in full support of our dedicated and courageous service men and women who may well soon find themselves in harm's way. As a member of the Armed Services Committee, I re-affirm to them, and all Americans, my commitment to make sure that they continue to be the best trained, best equipped, and best led military force in the world. I pray them God's speed and protection in all that they do.

Mr. HOUGHTON. Mr. Speaker, this is an important—no, a critical debate. It is right that we have it. I stand here as one who enlisted in the Marine Corps in 1994, voted for Desert Storm, and has always believed that the first federal dollar spent each year should go to the military. These men and women provide for our ultimately security.

However, I am prepared to vote against this particular resolution. It will not be a happy vote. I will be in the minority. I sadly will not stand with my President, a man I admire so much. Yet as with literally the thousands of votes cast in this chamber, I've found that following one's instinct is the most honest, if not always the most politically popular, approach.

What we're discussing is all unknown territory. We're talking about the future—and that talk, out of necessity, means guesses, estimates, and personal interpretation. The one thing we do know is that since September 11, 2001, we are living in a new world. It's an unsettling world requiring different defenses—secrecy, stealth operations, armies without uniforms—but maybe of greatest importance, an adhesive-like working relationship with our friends.

Following 9/11 we were told that the enemy was terrorism in all its forms. The al Qaeda, Osama bin Laden would be hunted down, Afghanistan was to be stabilized and rebuilt, and we were to work closely with our allies and near-allies. We could not go it alone.

Now we hear that priorities have changed. Iraq is the prime target. Saddam Hussein is a heinous criminal, with frightening weapons. And I believe all that. But the question remains: what does this have to do with terrorism, our original objective? There is little evidence that Iraq had anything to do with 9/11.

I happen to be a hawk on Iraq. Saddam Hussein is a disturbed, dangerous leader. We should deal with him. But absent any immediate threat, our eye ought to be on the security of the American people. The fight is against terrorism in all the emerging subtle forms and that has little to do with Saddam Hussein. So without finishing what we started and with no sure knowledge that he is near producing nuclear weapons, why is it that within the last few months we recalibrate our objectives? War would be hugely costly. We already are in deep deficit. We are not backed by the essential allies, and we could easily unleash additional terrorism.

Last weekend I spent a whole day with Jewish and Palestinian representatives. One Arab comment was, ''The Iraqis hate Saddam Hussein, but remember they hate the United States more.''

Iraq is one of the few secular countries in the Middle East. Unleashing, without careful ground work, the hatred of two mortal internal enemies—the Sunnis and the Shi'ites—could produce another angry fundamentalist state.

The bill in front of us says, ''The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate . . .''

I have the greatest respect for the President. And you know what? He may be right. But I am given the opportunity to express my opinion and to cast my vote. I feel uncertain at this time, in this place, sanctioning that authority.

Unilateralism scares me. We haven't shown a lot of patience since the President's speech to the U.N. Our historic rule of thumb has been to bring people together, not divide them. This war will not be a cake walk. People fight differently in defense of their homeland, their families. I worry about the Israeli-Palestinian conflict, and our lack of attention to it.

I think we've got the cart before the horse. Let the U.N. first work its will.

Finally, Mr. Speaker, a right decision at the wrong time is a wrong decision. Why don't we win the war against terrorism before we start another fight?

Mr. PUTNAM. Mr. Speaker, during this Congress I have been honored to serve as Vice Chairman of the Government Reform Committee's Subcommittee on National Security, Veterans Affairs and International Relations. Under Chairman SHAYS' leadership our Subcommittee has conducted at least 14 hearings and briefings, many of them well before September 11, 2001, which addressed in some measure the threat from the proliferation of chemical, biological and nuclear weapons.

Congress has recently conducted hearings on who missed the signals leading to 9/11. The signals of the potential for an even greater catastrophe have been writ large before our subcommittee over the past two years of testimony. These hearings provided ample evidence establishing that Iraq is one of the premier consumers—if not the—premier consumer of the components and precursors of weapons of mass destruction. This unprecedented build-up serves no positive purpose, but rather demonstrates an attempt to dominate the region and threaten our peaceful interests. Let me share with you just a few examples:

1. Iraq is seeking to purchase chemical weapons agent precursors and applicable production equipment, and is making an effort to hide activities at the Fallujah plant, which was one of Iraq's chemical weapons production facilities before the Gulf War.

2. At Fallujah and three other plants, Iraq now has chlorine production capacity far higher than any civilian need for water treatment, and the evidence indicates that some of its chlorine imports are being diverted for military purposes.

3. Saddam Hussein is continuing to seek and develop biological weapons. In 2001, an Iraqi defector, Adnan Ihsan Saeed al-Haideri, said he had visited twenty secret facilities for chemical, biological and nuclear weapons. Mr. Saeed, a civil engineer, supported his claims with stacks of Iraqi government contracts, complete with technical specifications.

4. Saddam Hussein is continuing to seek and develop nuclear weapons. A new repot released on September 9, 2002, from the International Institute for Strategic Studies—an independent research organization—concludes that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material.

5. Saddam Hussein is continuing to seek and develop prohibited long-range, ballistic missiles. Iraq is believed to be developing ballistic missiles with a range greater than 150 kilometers—as prohibited by the U.N. Security Council Resolution 687. Discrepancies identified by UNSCOM in Saddam Hussein's declarations suggest that Iraq retains a small force of Scud-type missiles and an undetermined number of launchers and warheads.

6. There is ample evidence that Saddam Hussein is using his Presidential palace sites to hide prohibited WMD and missile technologies. In December 1997 Richard Butler reported to the U.N. Security Council that Iraq had created a new category of sites, ''Presidential'' and ''sovereign'' from which it claimed that UNSCOM inspectors would henceforth be barred. The terms of the ceasefire in 1991 foresaw no such limitations. However, Iraq consistently refused to allow UNSCOM inspectors access to any of these eight Presidential sites. Many of these so-called ''palaces'' are in fact large compounds, which are an integral part of Iraqi counter-measures designed to hide prohibited weapons and material.

7. To implement the agreement that ended the gulf war the United Nations Security Council passed a number of resolutions demanding that President Saddam Hussein stop pursuing weapons of mass destruction and allow inspectors total access to his country to verify his compliance. In 1998 Saddam Hussein suspended cooperation with the U.N. inspectors. The U.N. General Assembly has subsequently failed to enforce the sixteen (16) existing Security Council Resolutions that Iraq has violated. While the United States is working with our allies to craft yet another resolution for consideration by the Security Council, it should be noted that the Saddam Hussein regime has already rejected this proposal before it has even been brought before the Security Council.

Mr. Speaker, this is a particularly difficult decision for me, because I recognize that it is largely the men and women of my generation, those in their twenties or younger, who will fight this war—if war comes. Today, Marine Lance Cpl. Antonio J. Sledd, 20 rests in honor under our flag somewhere between Kuwait and his home in Hillsborough County, Florida. We would be remiss in our responsibilities if we do not acknowledge that there will be a cost, and there is a price being paid this very day, by America's young defenders and their families.

Opponents of military action against Iraq argue that until it is clear that Iraq poses an imminent threat, the United States should continue to contain and deter Saddam Hussein. Our hearings have demonstrated that Saddam

Hussein is not deterred, and that the threat posed by his regime's continued pursuit of weapons of mass destruction and missile technology is in fact imminent. Today, we are at the point, very much as the democracies of the world once were in their great confrontation with Hitler, where we have a choice to confront or appease an aggressor. I intend to vote in favor of House Joint Resolution 114 and support President Bush in his decision to confront Saddam Hussein and end the threat to the United States, and the world, posed by Iraq's development of weapons of mass destruction.

Mr. HILLEARY. Mr. Speaker, I rise today in support of the Hastert-Gephardt Iraq resolution, in opposition to the Spratt and Lee amendments, and in strong support of our President.

I do not take this action lightly. No one enjoys the idea of placing sons and daughters of America in harm's way. Twelve years ago, while serving as an Air Force C–130 navigator, I was one of those troops on the receiving end of a resolution like this one. I know it was an agonizing decision for many members of Congress. I know many members are struggling with this resolution here today. And I have received phone calls, letters, and emails from many concerned Tennesseans on both sides of this issue.

To all of them, I would offer the advice Margaret Thatcher gave President George H.W. Bush in 1990: ''Now is no time to get wobbly.'' The resolution Congress passed before Desert Storm was right, both for America and for the world. This one is too.

The Spratt amendment and the Lee amendment would each tie the President's hands, subjecting U.S. foreign policy to the dictates of the U.N. Security Council. United Nations opposition to removing the corrupt Iraqi regime in 1991 is a major reason why we're here today. I am not comfortable with China, Russia, and France having a veto on American security decisions. America is a peaceful nation, but when our freedom and security have been challenged in the past, we have consistently done whatever it took to protect our way of life. We are challenged again today, and America must take the lead against this tyranny.

I take issue with those who call any action in Iraq ''a preemptive strike''. It is surely not. For Saddam, the gulf war has never ended. In the past two years, forces at his command have fired over 1,600 times at American and British planes patrolling the no-fly zone Saddam agreed to at the end of the gulf war. They've fired at our pilots more than 60 times since September 18th, the day Saddam promised to ''allow the return of United Nations inspectors without conditions.''

By using chemical weapons to kill thousands of his own people, Saddam has proven his ruthlessness. In invading Iran and Kuwait, he has shown his inclination toward aggression and his ambition for dominating the region. In violating 16 United Nations resolutions, he has consistently lied to the world and refused to allow the Iraqi people to join the ranks of civilized nations.

Now, financed by his immense oil wealth, Saddam has relentlessly pursued building nuclear, chemical and biological weapons. These weapons in the hands of a ruthless tyrant like Saddam Hussein present a direct threat we cannot ignore. He could launch an attack on Israel that plunges many nations into war. He could also use them as blackmail as he pursues domination of the Middle East. But his main threat to America is as a supplier.

Intelligence reports have indicated that Saddam's people have been in contact with al-Qaeda operatives. We know they share a common interest in harming America and the West. If Saddam provides al-Qaeda with the weapons of mass destruction they desire but cannot make themselves, they will find a way to transport those weapons into this country. And the magnitude of the subsequent attack and its casualties would rival or exceed anything we experienced on September 11th, December 7th, or any other tragic date in our history.

Remember President Bush's words from his State of the Union speech earlier this year. ''America will do what is necessary to ensure our Nation's security. We will be deliberate, yet time is not on our side. I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.''

President Bush and his national security team may find a way short of war that may force Saddam to disarm. An overwhelming vote for this resolution could actually help the President avoid war while protecting our citizens, by making it clear to Saddam that we are united and complete disarmament is his only way out. During his speech in Cincinnati this past Monday, President Bush made clear that war is not his first option, but his last. But given Saddam's history, that last option may be the only way to avoid the greater danger of nuclear, biological or chemical weapons falling into the hands of those who will use them against America.

The situation we face is not all that unlike the situation Europe faced with the rise of another previously defeated enemy, Germany. Winston Churchill's pleas throughout the 1930's that Europe deal with Hitler early fell on deaf ears. Western Europe's negligence was followed by fear, appeasement, and eventually, the most destructive war in history.

This President is determined not to allow history to repeat itself. The American people now face a clear choice—whether to put our head in the sand—or draw a line in it. We will choose action over fear. The President is right—in this battle, time in not on our side. But freedom is. And in the end, victory will be as well. I strongly support this resolution, and I will encourage all Americans to do the same. My God bless our country, our President, and our men and women in uniform at this critical time.

Mr. PLATTS. Mr. Speaker, just off the rotunda of the U.S. Capitol building stands a statue of a fellow Pennsylvanian by the name of John Muhlenberg. In early 1776, this 29 year-old Lutheran Minister gave a sermon in Woodstock, Virginia in which he called upon the men of his congregation to join him in fighting for our Nation's independence. Quoting the Book of Ecclesiastes, Pastor Muhlenberg said: ''There is an appointed time for everything. And there is a time for every event under heaven . . . A time for war and a time for peace.'' Contending that the time for war had arrived, Pastor Muhlenberg then concluded his sermon by casting off his clerical robes to reveal the uniform of a Continental Army officer. Pastor Muhlenberg went on to serve as a general in the Continental Army.

More than a century and a half later, in an address at Chautauqua, New York in 1936, President Franklin Delano Roosevelt stated, ''I hate war.'' Yet, after Pearl Harbor roused our nation from a slumbering isolationism, President Roosevelt knew that the time for war had come. The actions of Pastor Muhlenberg and President Roosevelt remind us that, from the very beginning of our great Nation to modern times, war is always regrettable, but sometimes necessary to protect the lives of our citizens and to secure the important principles for which our Nation stands.

As our Nation now seeks to address the very serious and immediate threat that Saddam Hussein's regime poses to American lives, both abroad and here at home, it remains to be seen whether war will be a necessary part of our Nation's efforts. I certainly hope and pray that it will not. Unfortunately, however, Saddam Hussein's actions, past and present, do not provide much reason to believe that my hopes and prayers will be fulfilled.

If diplomacy is to have any chance of success, Saddam Hussein must fully and unequivocally understand that, if necessary, the United States and other peace-loving nations will no longer stand idly by while he further enhances his chemical and biological weapons of mass destruction (WMD) and aggressively pursues the production of nuclear weapons. Saddam Hussein must understand that, if necessary, we will use military force to eliminate the threat that his weapons pose to our citizens.

It is thus imperative for the United States Congress to pass legislation authorizing President George Bush to use military force to ''defend the national security of the United States against the continuing threat posed by Iraq'' and to ''enforce all relevant United Nations Security Council resolutions regarding Iraq.'' I therefore join my Republican and Democrat colleagues in voting in favor of this legislation, House Joint Resolution 114. Importantly, H.R. Res. 114 requires that, prior to using military force against Saddam Hussein's regime, President Bush must officially determine that further reliance on ''diplomatic or other peaceful means alone either will not adequately protect the national security of the United States'' or will not likely ''lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq.'' Such determination must be shared with the House and Senate.

My decision to support H.J. Res. 114 followed much deliberation and was the product of countless hours of careful review of information from many sources. I have fully considered the views and concerns of hundreds of 19th District residents. As a member of the House Subcommittee on National Security, Veterans Affairs, and International Relations, I have participated in numerous classified briefings with various Administration officials, including Secretary of Defense Donald Rumsfeld, National Security Advisor Condoleezza Rice, Chairman of the Joint Chiefs of Staff General Richard Myers, and Deputy Director of the Central Intelligence Agency John McLaughlin. I have also met overseas and in Washington with leaders of the Iraqi National Congress (INC), a coalition of Shi'a, Sunni, and Kurdish Iraqi dissidents seeking to liberate

their people from Saddam Hussein's oppressive rule. Although very diverse in their backgrounds, they are united in a common belief that Saddam Hussein's military regime must be replaced with a more humane government. My interactions with the INC representatives leads me to believe that the removal of Saddam Hussein will be embraced enthusiastically by the overwhelming majority of the Iraqi people—just as the people of Afghanistan embraced their liberation from the Taliban.

My challenge is to fully explain my support for H.J. Res. 114 when much of the most important factual basis for this extremely serious decision is classified information. While I cannot legally share such classified material publicly, I can frankly and honestly state that my review of said material has wholly convinced me that Saddam Hussein's military regime poses a grave threat to the safety and security of American citizens, including here at home. There is compelling evidence of Iraq's biological and chemical capabilities and Saddam Hussein's intended use of such weapons. There is also strong evidence of his pursuit of nuclear weapons. Of significant concern is Iraq's growing fleet of unmanned aerial vehicles (UAVs) that are capable of dispensing biological or chemical weapons. As President Bush stated in his recent address to the Nation, our intelligence information indicates that Saddam Hussein is ''exploring ways of using these UAVs for missions targeting the United States.''

Please allow me to address various actions by Iraq over the past 11 years that are in the public domain. First, Iraq has a long record of abetting terrorist groups. For example, Hussein has regularly praised Palestinian suicide bombers who have taken the lives of countless innocent civilians, including American citizens. He has also financially rewarded the families of said suicide bombers. Although no direct Iraqi involvement in the September 11 attacks has been proven, there is also strong evidence that Iraq is serving as a safe harbor for al Qaeda terrorists since the fall of the Taliban regime in Afghanistan.

Second, as part of the United Nations sponsored cease-fire agreement following the liberation of Kuwait, Iraq agreed to dismantle its weapons of mass destruction (WMD) programs and allow inspections to ensure its compliance with the agreement. Iraq has been in continuous violation of the cease-fire terms, playing ''cat-and-mouse'' games with United Nations inspectors while continuing to develop WMD. Since weapons inspectors were effectively expelled in 1998, Iraq has been completely free to continue its pursuit of developing WMD and the means to deliver them. Saddam Hussein has used chemical WMD in the past against a neighboring country, Iran, as well as against his own people, including innocent children.

Third, Saddam Hussein has demonstrated his continuing hostility towards the United States by attempting to assassinate former President George Bush in 1993 and firing regularly on U.S. aircraft attempting to enforce United Nations-sanctioned ''no fly zones'' in northern and southern Iraq, the only protection that the persecuted people in those regions possess. In fact, according to the Joint Chiefs of Staff, U.S. and other allied aircraft enforcing the ''no fly zones'' have been fired upon several thousand times by Iraqi military units.

Fourth, Saddam Hussein has engaged in heinous human rights violations against his own people. He has intimated political opponents by ordering the systematic rape of wives and mothers of said opponents and he has forced parents to watch their children be tortured as a means of political coercion.

''Finally, it is important to note that ''regime change'' in Iraq is not a new policy adopted by the Bush Administration. Rather, the Iraq Liberation Act, which states that it is the policy of the United States government ''to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime,'' was enacted in 1998. Sponsored by Congressman BEN GILMAN in the House and Senators TRENT LOTT and JOSEPH LIEBERMAN in the Senate, the Iraq Liberation Act passed the House by a vote of 360–38 and the Senate unanimously. President Bill Clinton signed this act into law on October 31, 1998.

If the use of military force against Saddam Hussein's regime does prove to be necessary to protect our Nation's security, such military action must be carefully designed to minimize the risk of injury and death to Iraqi civilians and American military personnel. The enemy is the regime of Saddam Hussein, not the Iraqi people.

Ideally, President Bush, working hand-in-hand with our allies and the United Nation's Security Council, will be successful in fully addressing the threat that Saddam Hussein and his military regime pose to world peace and to our Nation's security without having to resort to military force. But if diplomatic efforts fail to truly eliminate this grave threat to American lives, then we must be prepared to act decisively, just as our forefathers did during the Revolutionary War and World War II.

President Bush well captured the challenge before us when he stated, ''As Americans, we want peace. We work and sacrifice for peace. But there can be no peace if our security depends on the will and whims of a ruthless and aggressive dictator.''

Mr. OTTER. Mr. Speaker, I rise today to express my support for House Joint Resolution 114, authorizing the use of United States Armed Forces against Iraq. After careful consideration of the information provided by the President it is clear that the threat posed by the current Iraqi regime can no longer be tolerated.

Thousands of my constituents have contacted me about this resolution, and many have expressed the earnest hope that war can be avoided. I share that hope, and urge our President to use every means short of war to persuade Iraq to end their violations of Security Council resolutions, to stop developing weapons of mass destruction, and to allow their people to live in peace and freedom. Unfortunately, the current regime has shown no willingness to do any of these things.

The Iraqi regime, controlled by Saddam Hussein and his family, is unique in its level of violence, both against its own people and its neighbors. Since Mr. Hussein came to power he has invaded both Iran and Kuwait. He has fired ballistic missiles against Saudi Arabia, Bahrain, and Israel. He has sponsored terrorist attacks against American citizens and Iraqi dissidents abroad.

The Hussein regime is also unique in its unquenched thirst for weapons of mass destruction. Iraq has used chemical weapons against its own people and Iran. It has developed biological weapons. Most disturbingly, Iraq seeks to acquire nuclear weapons.

Some have said that the Iraqi weapons problem can be solved by inspections, but Iraq consistently hindered international inspections when they allowed them, and since 1998 has not permitted them at all. Meanwhile they go ahead with their research program funded by illegal oil smuggling.

An Iraq armed with nuclear armed ballistic missiles would not only be the dominant military power of the Middle East, but it would be the natural ally of all states and groups that oppose the United States. We cannot allow unbridled power into the hands of such an unscrupulous regime. America's future cannot be made dependent on a regime armed with the ultimate weapon.

The Iraqi regime led by Saddam Hussein is based on the ruthless use of force, and only responds to the use of force by those it threatens. If force must be used to resolve this crisis, we must ask ourselves: Should we use it now to defend peace and freedom, or later to avenge the murder of innocent men, women, and children by Saddam Hussein's weapons of mass destruction. I believe that the answer to this question is clear and that our President is correct. I urge my colleagues to join me in voting for House Joint Resolution 114.

I am grateful for those allies such as the United Kingdom, the Czech Republic, and others who are standing with us, and remain hopeful that other nations will join our cause. I ask our President to seek the support of as many nations and international organizations as possible, and to make available whatever additional intelligence or security they need. I also must reiterate that our quarrel is with the Iraqi regime, not its people. As we move forward I urge my fellow Americans to remain tolerant of their neighbors and to avoid any action based on the ethnicity or religious persuasion of others. I also urge all Americans, and all sides in this debate, to support our troops who may be called upon to enforce this resolution and defend their country.

Mr. MCDERMOTT. Mr. Speaker, we are standing at the abyss of a horrifying war. President Bush himself told us Monday night that this war was neither ''imminent nor unavoidable.'' And yet we are pushing, hurrying, racing against time to give the President our approval of a future war, a war without limits or boundaries, a war waged because the President thinks diplomacy has failed.

I do not believe diplomacy has failed. And I do not believe we have to go to war. President Bush's speech was designed to frighten the American people, and to intimidate the United Nations. It wasn't address to us, the Congress, because President Bush and his advisers already believe that they have our backing. But they don't have the backing of the American people. The pools tell us that. Our constituents tell us that. The phone calls and faxes and emails and letters to our offices, running 100 to one, 500 to one against this war, all tell us that. I, for one, am not afraid. And I do not think my colleagues in the House and in the Senate should be afraid either. We should not be afraid of standing up to an unnecessary war. We should not be afraid to stand up to a President when he is wrong. We should not be afraid of the American people; they are right.

President Bush tells us how important it is, for his campaign to win support in the United

Nations, that we here in the United States speak with one voice. But we do not have only one voice; we cannot and will not lend our voices to support a war that we know is wrong. When my colleagues and I went to Iraq, we went to tell the Iraqis that they must allow free and unfettered U.N. inspections. We went to investigate the situation facing Iraqi civilians after 12 years of crippling economic sanctions. And we went knowing that our democracy is strengthened when we see, and hear, and learn and debate all sides. We didn't have to go to Iraq to know why we're against going to war against Iraq. There are plenty of reasons back home to oppose this juggernaut towards a unilateral preemptive strike on Iraq.

The first reason is that disarmament should be on top of our Iraq agenda. And getting the United Nations inspectors back in should be the first step towards accomplishing that task. The U.N. must be allowed to take the lead; their inspectors were already close to finishing work on the technical arrangements so they could get to work right away. Iraq had proposed the inspection team arrive as early as October 16th.

Initial meetings between Iraqi and U.N. officials were held in March of this year to begin discussions about the return of inspectors to Iraq after they had been excluded for almost four years. Further meetings were held in May and again on the 4th of July. That July meeting was particularly useful, coming in the context of growing international pressure on Iraq and seeming to set the stage for the serious possibility of inspectors returning to Baghdad. But the next day, July 5th, the Pentagon leaked its latest provocative war plan to the New York Times, calling for a major air attack and land invasion to ''topple Saddam Hussein.'' The Iraqis pulled back.

But pressure continued to build, and in August the Iraqi Parliament invited members of Congress to come to Baghdad with inspectors of our choosing and to look for ourselves. On September 13th I went to New York to meet with Iraqi Foreign Minister Naji Sabri, and told him I would accept his invitation to Iraq with the understanding that the inspectors I would choose to accompany me would be the UNMOVIC inspectors themselves. We talked about the absolute necessity of the U.N. resuming unfettered inspections in Iraq, and he said they were ready for such inspections, and they understood that if no weapons were found the Security Council would lift the economic sanctions. I made no promises except to say I would come. Forty-eight hours later, on September 16, Sabri told Kofi Annan that Iraq was prepared to accept the inspectors back into Iraq.

Unfortunately, instead of welcoming this development, it became clear that the Bush administration was not prepared to take Iraq's ''yes'' for an answer. The State Department's answer to the long-delayed Iraqi acquiescence was to announce that it was now in ''thwart mode,'' determined to prevent the inspections from going forward.

There has been no solid information regarding Iraq's weapons of mass destruction since UNSCOM and IAEA arms inspectors left Iraq in December 1998 in advance of the U.S. Desert Fox bombing operation. Prior to leaving, the last report (November 1998) of the UNSCOM chief Richard Butler stated explicitly that although they had been hindered by Iraqi non-compliance in carrying out a small number of inspections, ''the majority of the inspections of facilities and sites under the ongoing monitoring system were carried out with Iraq's cooperation.'' the IAEA report was unequivocal that Iraq no longer had a viable nuclear program. The UNSCOM report was less definitive, but months earlier, in March 1998, UNSCOM Chief Richard Butler said that his team was satisfied there was no longer any nuclear or long-range missile capability in Iraq, and that UNSCOM was ''very close'' to completing the chemical and biological phases.

Since that time, there have been no verifiable report regarding Iraq's WMD programs. It is important to get inspectors back into Iraq, but U.S. threats for years made that virtually impossible by setting a ''negative incentive'' in place. This pattern has been underway for years. It began when then-Secretary of State Warren Christopher announced in April 1994 that the U.S. was no longer bound by the U.N. resolution's language promising an end to sanctions when disarmament of Iraq's WMD programs was complete. Similarly, in 1997 Christopher's successor, Madeleine Albright, affirmed that economic sanctions would remain as long as Saddam Hussein was in power—regardless of the U.N. position linking sanctions only to the WMD programs. So Baghdad was told that sanctions would remain regardless of Iraqi compliance with U.N. disarmament requirements. Similarly, the U.S. message today is that a U.S. military strike will likely take place regardless of Iraq's compliance with U.N. resolutions regarding inspections, so they have no reason to implement their own obligations. If the United States refuses to abide by the requirements of U.N. resolutions and the rule of international law, why are we surprised when an embattled and tyrannical government does the same thing?

Inspections remain vitally important. Throughout the 1980s the U.S. sent to Baghdad a lethal assortment of high-quality germ seed stock for anthrax, botulism, E. coli, and a host of other deadly diseases. It is certainly possible that scraps of Iraq's earlier biological and chemical weapons programs remain in existence, but their shelf life is likely only three or four years. More significantly, since it is also possible (though we have see no evidence) that Iraq has manufactured additional chemical or biological weapons material, Iraq has no delivery system capable of using them against the U.S. or U.S. allies. The notion that the U.S. must go to war against Iraq because of the existence of tiny amounts of biological material, insufficient for use in missiles or other strategic weapons and which the U.S. itself provided during the years of the U.S.-Iraq alliance in the 1980s, is simply unacceptable.

Regarding the nuclear level threat, the IAEA confirmed in 1998 that Iraq had no viable nuclear weapons program. Despite constant allegations, we still have seen no clear evidence that Iraq is anywhere close to being able to manufacture a nuclear weapon. The breathless claim that ''if it obtained sufficient missile material and massive external assistance'' Iraq could manufacture a nuclear weapon in one year is simply spurious. The same statement could be said for Cameroon or Vanuatu—that's why we have military sanctions and that's why we ought to hold the Non-Proliferation Treaty (NPT) and other disarmament treaties in much higher regard.

Pretty much the whole world believes that inspections and disarmament should be our goal—not the overthrow of the government in Iraq. The Bush administration knows it is isolated in the world on this issue: to say that the U.S. goal is regime overthrow, rather than disarmament would violate the UN Charter.

The second reason we should oppose this war has to do with its impact on our relations with allies all over the world. There is virtually no international support, at the governmental or public level, for a U.S. attack on Iraq. Our closest allies throughout Europe, in Canada, and elsewhere, have made clear their opposition to a military invasion. While they recognize the Iraqi regime as a brutal, undemocratic regime, they do not support a unilateral preemptive military assault as an appropriate response to that regime. Our European friends are pleading with us not to go to war, reminding us that disarmament, starting with inspections, is their goal. Russia and China say the same thing. Are we to simply ignore our friends' opinions and go it alone?

Throughout the Middle East, the Arab states, including our closest allies, have made unequivocal their opposition to an invasion of Iraq. Even Kuwait, once the target of Iraqi military occupation and ostensibly the most vulnerable to Iraqi threats, has moved to normalize its relations with Baghdad. The Arab League-sponsored rapprochement between Iraq and Kuwait at the March 2002 Arab Summit is now underway, including such long-overdue moves as the return of Kuwait's national archives. Iraq has now repaired its relation with every Arab country, and not a single one of Iraq's neighbors publicly supports a U.S. war. Turkey has refused to publicly announce its agreement to allow use of its air bases, and Jordan and other Arab countries have made clear their urgent plea for the U.S. to abjure a military attack on Iraq.

Again, it is certain unlikely that a single government in the region would ultimately stand against a U.S. demand for base rights, use of airspace or overflight rights, or access to any other facilities. The question we must answer therefore is not whether our allies will ultimately accede to our wishes, but just how high a price are we prepared to exact from our allies? Virtually every Arab government, especially those most closely tied to the U.S. (Jordan and Egypt, perhaps even Saudi Arabia) will face dramatically escalated popular opposition. The existing crisis of legitimacy faced by these non-representative regimes, absolute monarchies and president-for-life style democratics, will be seriously exacerbated by a U.S. invasion of Iraq. Region-wide instability may be expected to result, and some of those governments might even face the possibility of being overthrown.

In the entire Middle East region, only Israel supports the U.S. build-up to war in Iraq. Prime Minister Sharon has made no secret of his view that the chaos caused by a U.S. attack on Iraq might well provide him with the opportunity for a large-scale escalation against the Palestinians.

When President Bush repeats his mantra that ''you are either with us or with the terrorists,'' no government in the world wants to stand defiant. But a foreign policy based on international coercion and our allies' fear of retaliation for noncompliance, is not a policy that will protect Americans and our place in the world.

Still another reason to oppose this has to do with the human toll. During the Vietnam war, I was lieutenant commander in the U.S. Navy Medical Corps. My job, as a psychiatrist, was to treat young soldiers who returned from that war terribly damaged by what they saw and what they suffered. I carry those memories with me still.

While official estimates of casualties among U.S. service personnel are not public, we can be certain they will be much higher than in the current war in Afghanistan. We do know, from Pentagon estimates of two years ago, the likely death toll among Iraqi civilians: about 10,000 Iraqi civilians would be killed.

The most recent leaked military plan for invading Iraq, the so-called ''inside-out'' plan based on a relatively small contingent of U.S. ground troops with heavy reliance on air strikes, would focus first and primarily on Baghdad. In fact, all of the leaked military plans begin with air assaults on Baghdad. The Iraqi capital is described as being ringed with Saddam Hussein's crack troops and studded with anti-aircraft batteries. Those charges may or may not be true. But what is never mentioned in the military planning documents is the inconvenient fact that Baghdad is also a crowded city of five million or more people; a heavy air bombardment would cause the equivalent human catastrophe of—and look very similar to—a heavy air bombardment of Los Angeles.

And it is here that my trip to Iraq taught me a great deal. It reminded me again of the costs of war. I remembered again what Iraqis would suffer with this war. My colleagues and I visited hospitals, where we saw young cancer patients dying before their mothers eyes from lack of chemotherapy drugs.

Further, the destruction of civilian infrastructure such as water, electrical and communications equipment, would lead to tens, perhaps hundreds of thousands of more civilian deaths, particularly among children, the aged and others of the most vulnerable sectors. We can anticipate that such targeted attacks would be justified by claims of ''dual use.'' But if we look back to the last U.S. war with Iraq, we know that the Pentagon planned and carried out studies ahead of time, documenting the likely impact on civilians of specific attacks. In one case, Pentagon planners anticipated that striking Iraq's civilian infrastructure would cause ''Increased incidence of diseases [that] will be attributable to degradation of normal preventive medicine, waste disposal, water purification/distribution, electricity, and decreased ability to control disease outbreaks. . . .'' The Defense Intelligence Agency's document (posted on the Pentagon's Gulflink website), is titled ''Disease Information—Subject: Effects of Bombing on Disease Occurrence in Baghdad'' and is dated 22 January 1991, just six days after the war began. It itemized the likely outbreaks of diseases to include: ''acute diarrhea'' brought on by bacteria such as E. coli, shigella, and salmonella, or by protozao such as giardia, which will affect ''particularly children,'' or by rotavirus, which will also affect ''particularly children.'' And despite this advance knowledge, the bombing of the water treatment systems proceeded, and indeed, according to UNICEF figures, hundreds of thousands of Iraqis, ''particularly children,'' died from the effects of dirty water. Just as predicted.

I traveled with my colleagues to the southern city of Basra, where we heard from physicians that the first question new mothers ask after giving birth is not whether the baby is a boy or a girl, but whether it is normal or not—because the rates of birth defects are so high. Many think those high rates of birth defects, skyrocketing rates of leukemia and other cancers, have something to do with the depleted uranium weapons our military used so efficiently during the war 12 years ago.

Many of our own Gulf War veterans—and their children—are also suffering higher than normal rates of cancers and birth defects. And the Veterans Administration medical care budget has just been slashed. Do we want to go to war again, a war that will cost perhaps $60 to $100 billion, and create a whole new generation of wounded veterans, along with too many who will not come home at all? We have not yet heard an answer from the Pentagon to the question of how they plan to protect our men and women in uniform—as well as vulnerable Iraqi civilians—from the danger of depleted uranium weapons. So far the Pentagon has still not conducted the full-scale scientific study of the impact of DU on the human body. We should not go to war to use our troops as guinea pigs again.

I oppose this war because it is a war of empire, not of legitimate self-defense. We claim to be a nation of laws. But too often we are prepared to put aside the requirements of international law and the United Nations Charter to which we hold other nations appropriately accountable.

When it comes to policy on Iraq, the U.S. has a history of sidelining the central role that should be played by the United Nations. This increasingly unilateralist trajectory is one of the main reasons for the growing international antagonism towards the U.S. By imposing its will on the Security Council—insisting on the continuation of economic sanctions when virtually every other country wants to lift them, announcing its intention to ignore the UN in deciding whether to go to war against Iraq—the U.S. isolates us from our allies, antagonizes our friends, and sets our nation apart from the international systems of laws that govern the rest of the world. This does not help, but rather undermines, our long-term security interests.

International law does not allow for preemptive military strikes, except in the case of extreme emergency to prevent an immediate attack. President Bush himself told us on October 7th that war with Iraq is ''neither imminent nor unavoidable.'' Therefore it does not qualify as self-defense under the UN Charter. We simply do not have the right—no country does—to launch a war against another country that has not attacked us. If the Pentagon had been able to scramble a jet to take down the second plane flying into the World Trade Center last September, that would be a legal us of preemptive self defense. An attack on Iraq—which does not have the capacity, and has not for a decade or more shown any specific intention or plan or effort to attack the U.S.—violates international law and the UN Charter.

The Charter, in Article 51, outlines the terms under which a Member State of the United Nations may use force in self-defense. That Article acknowledges a nation's ''inherent right of individual or collective self-defense *If an armed attack occurs* against a member of the United Nations, *until* the Security Council has taken measures necessary to maintain international peace and security.'' [Emphasis added.] The Charter does not allow military force to be used absent an armed attack having occurred.

Some administration spokespeople are fond of a sound bit that says ''the UN Charter is not a suicide pact.'' Others like to remind us that Iraq (and other nations) routinely violate the Charter. Both statements are true. But the United States has not been attacked by Iraq, and no evidence has been brought forward that Iraq is anywhere close to being able to carry out such an attack. The U.S. is the strongest international power—in terms of global military reach, economic, cultural, diplomatic and political power—that has ever existed throughout history. If the United States—with such massive global power—does not recognize the UN Charter and international law as the foundation of global security and hold ourselves accountable to them, how can we expect others to do so?

President Bush's October 7th speech was clearly designed to frighten the American people. Once again that speech disingenuously linked the true horror and legitimate fear of the September 11th attacks with an implied connection to Iraq. The events of September 11 must never happen again, the president proclaims, and we will go to war against Iraq to make sure that they don't.

Few of us in the Congress, and too few journalists and pundits, stood to challenge that claim, to remind the American people that no link has been shown between Iraq and the events of September 11th. That there is a war against terrorism that has so far failed to find the perpetrators of those events. That of all the four thousand or more people killed in Afghanistan, not one of them was named Osama bin Laden.

It is now clear that (despite intensive investigative efforts) there is simply no evidence as yet of any Iraqi involvement in the terror attacks of September 11. The most popular theory, of a Prague-based collaboration between one of the 9/11 terrorists and an Iraqi official, has collapsed. On July 17th, the Prague Post quoted the director general of the Czech foreign intelligence service UZSI (Office of Foreign Relations and Information), Frantisek Bublan, denying the much-touted meeting between Mohamed Atta, one of the 9/11 hijackers, and an Iraqi agent. The Czech Republic simply had no evidence that such a meeting ever took place, he said.

More significantly, the Iraqi regime's brutal treatment of its own population has generally not extended to international terrorist attacks. The State Department's own compilation of terrorist activity in its 2001 Patterns of Global Terrorism, released May 2002, does not document a single serious act of international terrorism by Iraq. Almost all references are to political statements.

We are told that we must go to war preemptively against Iraq because Baghdad might, some time in the future, succeed in crafting a dangerous weapon and might, some time in the future, give that weapon to a terrorist group—maybe Osama bin Laden—who might, some time in the future, use that weapon against the U.S. The problem with this analysis, aside from the fact that preemptive strikes are illegal under international law, is that it ignores the widely known historic antagonism between Iraq and bin Laden. According to the New York Times, ''shortly after Iraqi forces invaded Kuwait in 1990, Osama bin

Laden approached Prince Saltan bin Abdelaziz al-Saud, the Saudi defense minister, with an unusual proposition. . . . Arriving with maps and many diagrams, Mr. bin Laden told Prince Sultan that the kingdom could avoid the indignity of allowing an army of American unbelievers to enter the kingdom to repel Iraq from Kuwait. He could lead the fight himself, he said, at the head of a group of former mujahideen that he said could number 100,000 men.''[2] Even if bin Laden's claim to be able to provide those troops was clearly false, bin Laden's hostility towards the ruthlessly secular Iraq remained evident. There is no evidence that that has changed.

Ironically, an attack on Iraq would increase the threat to U.S. citizens throughout the Middle East and beyond, as another generation of young Iraqis come to identify Americans only as the pilots of high-flying jet bombers and as troops occupying their country. While today American citizens face no problems from ordinary people in the streets of Baghdad or elsewhere in Iraq, as I found during my visit to Iraq in September 2002, that situation would likely change in the wake of a U.S. attack on Iraq. In other countries throughout the Middle East, already palpable anger directed at U.S. threats would dramatically escalate and would provide a new recruiting tool for extremist elements bent on harm to U.S. interests or U.S. citizens. It would become far more risky for U.S. citizens to travel abroad.

Many accusations have been made regarding the role of oil in this war. What is clear is that the public statements of some in the private sector match the undenied whispers of others, such as administration figures themselves. those statements include the intention to render null and void all existing oil exploration contracts signed between Iraq and various national oil companies, particularly those of France and Russia, when the current Iraqi regime is replaced after a U.S. war. I do not want to support a war partly designed to redraft the global oil markets in the interest of undermining French or Russian oil companies and privileging our own.

Any of us who are serious about opposing this war must also be serious about alternatives to war. We must take seriously the threat of weapons of mass destruction in Iraq. Disarmament must be on top of our agenda. We must support the weapons inspection team, not undermining it. We must support the United Nations, not threatening it with irrelevance if its member states don't agree with our war.

And we should go beyond the existing efforts to get serious about military sanctions. Denying Iraq access to weapons is not sufficient, nor can it be maintained as long as Iraq is surrounded by some of the most overarmed states in the world. U.S. weapons shipments to all countries in the region aggravate this situation and, as the biggest arms exporter in the world, the U.S. can change it.

We can expand the application of military sanctions as defined in UN Resolution 687. Military sanctions against Iraq should be tightened—by expanding them to a system of regional military sanctions, thus lowering the volatility of this already arms-glutted region. Article 14 of resolution 687—the same resolution that calls for sanctions, inspections and destruction of Iraq's WMD programs—points the way. It recognizes that the disarmament of Iraq should be seen as a step towards ''the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons.

We are told we must attack Iraq preemptively so that it can never obtain nuclear weapons. While we know from IAEA inspectors that Iraq's nuclear program was destroyed by the end of 1998, we do not know what has developed since. We do know, however, a few things. We know that nuclear facilities are of necessity large, visible to surveillance satellites, and detectable by a host of telltale chemical and radiological footprints. Such facilities cannot be mounted on the back of a pick-up truck. Our intelligence indicates that Iraq does not have access to fissile material, without which any nuclear program is a hollow shell. And we know where fissile material is. Protection of all nuclear material, including insuring continuity of the funding for protection of Russian nuclear material, must be an ongoing priority.

We should note that U.S. officials are threatening a war against Iraq, a country known not to possess nuclear weapons. Simultaneously, the administration is continuing appropriate negotiations with North Korea, which does have something much closer to nuclear weapons capacity. Backed by IAEA inspections, the model of negotiations and inspections is exactly what the U.S. should be proposing for Iraq.

And what about ''the day after''? There is no democratic opposition ready to take over in Iraq. Far more likely than the creation of an indigenous, popularly-supported democratic Iraqi government, would be the replacement of the current regime with one virtually indistinguishable from it except for the man at the top. In February 2002 Newsweek magazine profiled the five leaders said to be on Washington's short list of candidates to replace Saddam Hussein. The Administration has not publicly issued such a list of its own, but it certainly typifies the model the U.S. has in mind. All five of the candidates were high-ranking officials within the Iraqi military until the mid-1990s. All five have been linked to the use of chemical weapons by the military; at least one admits it. The legitimacy of going to war against a country to replace a brutal military leader with another brutal leader must be challenged.

And whoever is installed in Baghdad by victorious U.S. troops, it is certain that a long and possibly bloody occupation would follow. The price would be high; Iraqis know better than we do how their government has systematically denied them civil and political rights. But they hold us responsible for stripping them of their economic and social rights—the right to sufficient food, clear water, education, medical care—that together form the other side of the human rights equation. Economic sanctions have devastated Iraqi society. After twelve years those in Washington who believe that Iraqis accept the popular inside-the-Beltway mantra that ''sanctions aren't responsible, Saddam Hussein is responsible'' for hunger and deprivation in Iraq, are engaged in wishful thinking. The notion that everyone in Iraq will welcome as ''liberators'' those whom most Iraqis hold responsible for 12 years of crippling sanctions is simply naive. Basing military strategy on such wishful speculation becomes very dangerous—in particular for U.S. troops themselves.

An U.S. invasion of Iraq would risk the lives of U.S. military personnel and kill potentially thousands of Iraqi civilians, it is not surprising that many U.S. military officers, including some within the Joint Chief's of Staff, are publicly opposed to a new war against Iraq. such an attack would violate international law and the UN Charter, and isolate us from our friends and allies around the world. An invasion would complicate the return of UN arms inspectors, and will cost billions of dollars urgently needed at home. And at the end of the day, an invasion will not insure stability, let alone democracy, in Iraq or the rest of the volatile Middle east region. Rather, it will put American civilians at greater risk than they are today.

We need disarmament, not a war for empire, oil, or ''regime change.'' We need the UN inspectors to go in and finish their work. Until they do, we simply don't know what weapons Iraq has or doesn't have.

Let us not go to war, in pursuit of oil or the blandishments of empire. War is too important and its consequences too disastrous.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the resolution before us requires us to make an enormously difficult decision. There are many cases to be made against Iraq and Saddam Hussein, but the only one that justifies this debate is the danger Iraq's weapons of mass destruction, and particularly its nuclear program, pose to the United States. Recognizing this danger, however, does not inform the appropriate response, and in this extremely complex situation, finding the right response is not easy.

A GRAVE DECISION

There is no greater responsibility for a Member of Congress than voting whether to initiate war. This is a responsibility I take very seriously. For the last several weeks I have immersed myself in the details of the situation with Iraq. I have consulted with experts and people whole opinions I value. I have spoken with Rhode Island veterans and have considered the opinions of the more than 1,100 constituents who have contacted me on this matter. I have received a number of security and intelligence briefings from Administration officials, the National Security Advisor, the Director of Central Intelligence, Defense Department officials and military leaders. I have been carefully deliberating, weighing the potential risks of a war with Iraq against the inevitable danger of a nuclear-armed Iraq.

In considering the options, I have paid careful attention to the position of President Bush, to his speech this week and his other statement on Iraq. Since September 11, I have consistently supported the President's efforts to safeguard our national security and eliminate the threat of terrorism. I believe he deserves great credit for rallying the American people to a new challenge and building strength from tragedy.

While giving special consideration to the request of the Commander-in-Chief, I must also exercise my own judgment on this most critical life and death question of war. One of the great strengths of a democracy is that decisions that emerge from the marketplace of ideas tend to be stronger, for they have been challenged and questioned. If we do not question and do not challenge, if we do not carefully deliberate, we weaken rather than strengthen our nation's purpose.

It is for this reason that the Framers of our Constitution, in their wisdom, gave the power

to declare war to Congress. Congress represents the voice of the people, and it is only the people of a democracy who should have the power to send their sons and daughters to war. I therefore feel that it is incumbent upon every Member of Congress, indeed on every citizen, to carefully weigh the factors counseling for and against war with Iraq and make a decision accordingly.

After much deliberation, I have concluded that the dangers of an Iraq armed with nuclear weapons are so significant that we have no choice but to act. At the same time, I recognize that a U.S. war with Iraq could complicate our struggle against terrorism and create new, serious risks. It is therefore clear that we must make every effort to enlist the United Nations in our effort to disarm Iraq and address that threat. Whether we accomplish our goals through diplomacy or by arms, our course will be less dangerous if the world community is with us. I will support the bipartisan resolution negotiated by President Bush and House leaders because I believe it represents our best hope for delivering the multilateral coalition we seek to eliminate the threat posed by Iraq's nuclear weapons program.

THE THREAT POSED BY IRAQ

In his address to the nation this week, his speech to the United Nations, and his other statements, President Bush has clearly and forcefully articulated Iraq's threat to U.S. security. Saddam Hussein unquestionably is one of the world's most detestable tyrants. He harbors a deep hostility towards the United States and an unquenchable thirst for conquest and power. He has demonstrated that he does not view weapons of mass destruction merely as deterrents, but rather as offensive weapons to be used to further his quest for power and give him leverage over the United States.

Given this record, it is a national security imperative that he not develop a nuclear weapon. Nuclear non-proliferation is a longstanding objective of this country, but nowhere is it more critical than Iraq. Saddam Hussein has made clear that he believes a nuclear weapon would give him the ability to act with impunity. The experts I have spoken with from former Middle East envoy Dennis Ross to former Ambassador to the United Nations Richard Holbrooke to members of the current Administration believe that the risk of terrorism would increase substantially after Iraq obtained nuclear capability. Iraq would then be more apt to provide shelter, technology, and weapons to terrorists targeting the U.S. The large chemical and biological weapons stockpiles would pose a much greater risk to our security at that point then they do now. A nuclear Iraq would be an enormous danger to the U.S. and be a major setback in our war on terrorism.

Not only would the direct threat to the U.S. be intolerable, but acquisition of nuclear weapons by Iraq would roil an already volatile region. Saddam Hussein's hegemonic ambitions for the Gulf region virtually ensure that he would resume his military adventurism if he believed he had a deterrent to U.S. action. Hussein said after the Gulf War that his greatest regret was not waiting to invade Kuwait until after he had acquired a nuclear weapon.

Experts like Jim Steinberg, former Deputy National Security Advisor to President Clinton, have predicted an arms race in the Middle East in response to the threat of a resurgent Iraq. Countries like Saudi Arabia, Iran, and Turkey would feel a need to counter Iraq's new strategic advantage.

In a region as unstable as the Middle East, the prospects of a nuclear arms race should make us all shudder.

Of course, the most ominous threat is that Iraq would pass nuclear technology to terrorists. September 11th showed us that there are people willing to do the unspeakable. The spectre of nuclear terrorism, which previously seemed remote and only theoretically frightening, has suddenly become a real and horrible possibility. We can no longer count on those Cold War limits that we assumed even our enemies shared. With this new, visceral understanding, who is willing to take the risk that a nuclear-armed Iraq will not share its weapons? The degree of cooperation between Iraq and al Qaeda, and other terrorists targeting the U.S. is unclear, but if we wait for that unholy alliance to form, we will have waited too long.

Unfortunately, the possibility that Iraq might develop a nuclear weapon is not remote. Its nuclear program has been disrupted but never fully dismantled. Current intelligence suggests that Iraq could have a functional bomb within a year of acquiring a sufficient quantity of highly enriched uranium or plutonium. Given the potential of acquiring these materials from the crumbling infrastructure of the former Soviet Union's arsenal, we cannot assume that a willing buyer will find no seller.

The people with whom I have spoken who know the region best, from the current Administration, from the Clinton Administration, and those who have spent lifetimes studying the Middle East, are nearly unanimous in concluding that we simply cannot allow Iraq to acquire nuclear capability. The risks of nuclear terrorism, of the potentially catastrophic destabilization of a Middle East arms race, and of future nuclear war in the region are all too real. Our national security will be severely compromised if we do not prevent Iraq's development of nuclear weapons.

Many have asked, why now? For eleven years we have relied on containment and deterrence to respond to Iraq. But Kenneth Pollack, a former CIA analyst of Iraq, has explained that Saddam Hussein's history suggests a streak of irrationality that makes these policies unreliable given the stakes. Whether because he is sheltered from the facts by underlings who tell him what he wants to hear or simply unbalanced, Hussein has repeatedly and dramatically misjudged the reactions his actions would generate. From his 1974 attack on Iranian-supported Kurds that provoked a military response by Iran leading to Iraqi territorial concessions, to his ill-fated war with Iran in 1980, to the invasion of Kuwait, he has consistently miscalculated. Deterrence is predicated on rational actors operating with similar sets of assumptions. These examples raise serious questions about whether we can expect Hussein to make rational choices, and that is a risk we cannot take when the use of nuclear weapons hang in the balance.

President Bush has convincingly articulated the danger that Saddam Hussein poses and his long history of undermining security in the Middle East and throughout the world cannot be denied. We must act to disarm Iraq, and we must act soon, before he acquires nuclear weapons and before he writes the next chapter in a long history of irrational and highly destructive aggression. The question is how we act.

FREEDOM IS NOT FREE

The first choice is, of course, a diplomatic solution. The goal is a new U.N. resolution that will convince Saddam Hussein that he cannot avoid complying with international law. We must appreciate, however, that given Hussein's history, this process may well end in confrontation. And so we also need to understand the many implications of a war in Iraq.

We know, as is inscribed at the Korean War Memorial, that freedom is not free. There are times that we are called upon to sacrifice to protect our values, our homeland, and our way of life. When our national security is at stake, we will not hesitate to make the necessary sacrifice. But we know from painful experience the consequences of launching a war without first establishing the political will to see it through, and the American people have to know what sacrifices they may be called upon to make.

Obviously, the risks of war would be most directly borne by the courageous men and women who were our Nation's uniform. I know that they stand prepared to go and fight wherever their Commander-in-Chief sends them. I have made it a priority during my eight years in Congress to ensure that they are the best-trained, best-equipped, most effective fighting force in the history of the world, so that if we have to send them into harm's way, we know they will be victorious.

Regarding a war with Iraq, we have not been told what to expect in the way of call-ups, casualties, length of combat, and the like. Some experts predict that the Iraqi military will overthrow Hussein rather than face destruction and possible war crimes prosecutions. It is my greatest hope that they prove correct. But we need to be prepared for the possibility of combat involving chemical or biological attacks. We may face block-by-block, building-by-building combat in Iraqi cities that, in the words of General Joseph P. Hoar, the former commander-in-chief of the U.S. Central Command whose area of responsibility includes Iraq, could resemble the last fifteen minutes of ''Saving Private Ryan.'' Planning conservatively, we have to assume that we may face a months-long guerrilla campaign and that casualties may be far higher than in the Gulf War.

Our armed forces are unquestionably prepared to carry out this and any mission they might be given. Should they be called upon, they will have my unconditional support for the duration of any armed conflict. I will do my utmost to give the men and women who put their lives on the line to defend our nation whatever they need to accomplish their mission. We should not send them into battle, however, until the American people have been fully prepared for the cost in American lives that we may pay for victory.

The American people must also be better prepared for the long-term consequences of action in Iraq. Even if the war goes quickly and the worst-case scenarios do not play out, there is a consensus that an extended American presence in Iraq will be required to maintain stability in that ethnically and politically divided country. It is critical that a centralized, unified Iraq emerge, and we cannot leave that outcome to chance. If we win the war but do not win the peace, the great risks we take and blood we shed will be for naught.

American troops will, at least initially, be responsible for protecting Iraq's borders with

Iran and Syria, governing tinder-boxes on the brink of civil war, like the city of Kirkuk, and preventing revenge-induced massacres in the Shiite south. The economic costs will be high and the risks to our troops serious. Although specifics may vary depending on the breadth and impact of the war, under virtually any scenario we face the prospect of a major, long-term reconstitution of Iraq in dollars, energy, attention, and most importantly, lives.

I know that we are capable of meeting the challenge of rebuilding Iraq, just as we are capable of meeting the military challenges. Like possible economic and budgetary implications, these are not considerations which will deter us from acting to protect our national security, but they are consequences of war that we must be prepared to realize.

WAR IN IRAQ AND THE IMPACT ON ANTI-TERRORISM EFFORTS

As great a danger as Iraq represents, we should not pursue military action there without considering its impact on the wider war on terrorism that we are currently fighting. As many thoughtful commentators have noted, a war in Iraq carries its own dangers above and beyond the immediate risks to our soldiers, sailors, and airmen.

The fight against Al Qaeda is not only a military engagement at this point, but even more so, a law enforcement and intelligence operation. Unilateral war with Iraq runs the risk of drying up critical support in the war on terrorism. We need the cooperation of foreign governments in countries like Yemen and Pakistan to find and detain Al Qaeda's leadership. The arrest of Ramzi Binalshibh in Pakistan last month is the perfect example. A suspected ringleader in the planning of the September 11th attacks, he is now providing us with valuable intelligence. If what is perceived to be an American imperialistic attack on Iraq costs us allies in our struggle against terrorism, it could become much more difficult for us to thwart future terrorist attacks.

While an Iraqi war could cause some governments to stop working as closely with us, more troubling is the prospect that I could cause massive destabilization in the Middle East and surrounding areas. The first President Bush's National Security Advisor, Brent Scowcroft, and others have cautioned that a war in Iraq could metastasize into a regional war. If Iraq attacks Israel and Israel responds as promised, the smoldering Israeli-Arab conflict could explode. Turkey, Syria, and Iran all have substantial Kurdish populations and could be drawn into war.

A geopolitical nightmare scenario is President Musharraf's government in Pakistan toppling and a radical Islamic regime taking control of Pakistan's nuclear arsenal. Experts have said his grip on power is somewhat shaky. Could an American attack on Iraq prompt large street demonstrations in Pakistan? Could that in turn lead to Musharraf's downfall?

Middle East experts are even more concerned about the impact of a war on the moderate government of Jordan's King Abdullah. Not only could a change of governments there cost us a reliable ally in the fight against terrorism, but it could lead to a cataclysm whose ripple effects would harm us in other ways. Jordan is one of the few countries that has signed a peace treaty with Israel. But half of its population is made up of Palestinian refugees. If Jordan were to fall into the hands of a radical government, the Israeli-Palestinian conflict could explode into a multi-front war. An Arab-Israeli war is the surest way to inflame Islamic militants.

Even without a deterioration of the Israeli-Palestinian situation, General Wesley Clark, the former Supreme Allied Commander of NATO, warned the Senate Armed Services Committee that a unilateral war by the United Sates on Iraq would ''supercharge'' Al Qaeda's recruitment. There are a billion Muslims in the world, some of whom unfortunately harbor a great distrust of the United States. Saddam Hussein and Al Qaeda and their sympathizers would portray a U.S. attack on Iraq as an attack on Islam, and many would view it that way.

We can assume that in the event of war, Hussein will place anti-aircraft guns and other military targets in mosques, schools, hospitals, and residential neighborhoods. In order to win, the U.S. military may be forced to strike these sites, and al-Jezeera would likely broadcast daily images of U.S. bombs destroying important cultural, religious, and other apparently civilian buildings. Military victory could well come at the cost of an enormous public relations defeat, one which make us an army of new enemies willing to take their own lives to inflict pain on Americans.

It is also far from clear that war with Iraq will reduce the threat of Iraqi chemical and biological weapons being used against Americans or our allies. A newly released CIA report details the danger that an attack on Iraq could lead Hussein to aid terrorists in chemical or biological attack as a way to exact a last measure of revenge.

We know that Iraq has mobile labs producing these potentially devastating weapons. Can we be sure that our troops would eliminate them before he had a chance to launch weapons at Israel or put them in the hands of terrorists? For that matter, can we be sure they are not already in the hands of Iraqi agents or other terrorists outside of Iraq, awaiting a signal to use them? When you corner a dangerous animal, you have to expect it to lash out. A war to disarm Hussein may paradoxically increase rather than decrease Americans' vulnerability to those very weapons.

If there is one lesson of warfare that has been true throughout human history, it is that wars have unintended consequences. Writing 2400 years ago, the Chinese military strategist Sun Tzu, called this uncertainty the ''fog of war.'' We ignore this timeless truth of warfare at our peril. It would be the hubris of the world's lone superpower to assume that our plans will be carried out exactly as we foresee them.

MINIMIZING THREATS IN IRAQ AND ELSEWHERE

While these dangers are real and caution us against war, inaction still leaves us with the prospect of a nuclear Iraq in the relatively near future. Through no choice of our own we have entered a minefield. On one side lies the danger of Iraq with nuclear weapons. On the other, an unfinished war against fanatics who hide in shadows and who may be inadvertently strengthened by our actions in Iraq. We need to pick our way carefully through this minefield, making every effort to minimize the risks on both sides.

Obviously, our best option is to disarm Iraq without resort to war. This outcome can only happen if the world unites in pressuring Iraq to comply with UN resolutions. For this reason, I am pleased that the President has brought our case to the United Nations and has been aggressively pursuing a new, forceful resolution in the Security Council. The Security Council should pass a new resolution, giving weapons inspectors truly unfettered access to any site in Iraq at any time with no conditions. I believe any new resolution should be backed up with the realistic threat of force.

But it must act quickly. If the UN is to remain a credible international agent of stability, it must, as the President has insisted, begin disarming Iraq in a matter of days and weeks not months and years. Sandy Berger, President Clinton's National Security Advisor, has told me that we can expect an inspections and disarmament regime to take several years. Given the timeline for Iraq's development of a nuclear weapon, the window for diplomatic action is therefore very small. If we want a peaceful option to prevail, we must set down that road immediately.

We can hope that Saddam Hussein will recognize that he has lost the battle for world opinion and will capitulate to international law by giving up his weapons of mass destruction. Even if diplomacy fails, however, our national security would be much better protected if we forcibly disarm Iraq at the head of a multilateral coalition rather than on our own.

As the first President Bush realized, perceptions are critically important in global diplomacy. A number of the dangers war poses to our efforts against terrorism are exacerbated by a perception, warranted or not, that the United States is using its military dominance to bully Arabs or Muslims. If, on the other hand, the U.S. is seen exhausting diplomatic efforts and any conflict is between Iraq and the community of nations rather than just the sole superpower, a war at that point is less likely to undermine American efforts to combat terrorism.

A multilateral war with Iraq would do less to diminish the support we have received from Muslim nations in the war on terrorism. It would be less risky to our fragile allies in the region. It would be harder for the terrorists and anti-American propagandists to use to inflame young Muslims to attack the United States.

We seek the auspices of the United Nations not because we must, but because doing so is in the nation's best interest. As President Kennedy said forty years ago during the Cuban Missile Crisis, ''This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum—in the Organization of American States, in the United Nations, or in any other meeting that could be useful—without limiting our freedom of action.''

We will not defer decisions of our national security to the United Nations, but where it is useful we should take advantage of the international structures that our nation was instrumental in creating. In this case, it is in the overwhelming best interest of the United States to push the UN to disarm Iraq, and I therefore stand foursquare behind President Bush's efforts to push the Security Council to address Iraq's lawlessness.

THE DEBATE IN THE HOUSE OF REPRESENTATIVES

These are the considerations I have been weighing over the past several weeks and upon which I will cast my vote in Congress. My decision is based on grave concerns about the prospect of a nuclear-armed Iraq and

equally serious fears that a war with Iraq will create new, highly dangerous risks of terrorism. I will vote for the resolution I feel is most likely to lead to a multilateral disarmament of Iraq, which is the best route to safeguard our national security.

I was troubled by the first draft of the resolution sent to Congress because it was an extremely broad mandate that authorized any action not only to disarm Iraq and enforce UN resolutions, but to ''restore peace and stability in the region.'' The process of deliberation has worked, however, Bipartisan, bicameral negotiations have subsequently improved the resolution and led to a more thorough discussion of the complex factors that must inform this decision.

The new resolution now requires the President to exhaust diplomatic efforts before resorting to force. Equally important, it authorizes the use of force in Iraq only upon certification by the President that such action will not undermine the international war on terrorism. We walk a fine line between the risks of a rogue Iraq on one side and hindering our war on terrorism on the other. These two features of the new resolution ensure that our Iraq policy walks that line if at all possible.

President Bush has made it clear that his preferred option is to lead the United Nations in enforcing its own resolutions. Secretary of State Colin Powell and others in the Administration are working to convince a reluctant Security Council that a new resolution with teeth, authorizing unconditional access by inspectors to any site in Iraq is the surest way to avoid armed conflict. Secretary Powell, his predecessor, Madeleine Albright, the U.S. ambassador to the UN in the Clinton Administration, Richard Holbrooke, and others have told me that to persuade the international community to follow us, the President needs as strong a hand as possible.

Those of us who strongly believe that America's safest path among the dangers that confront us is a multilateral approach and who want to avoid war must show the world that our nation is resolute in its determination to respond to the threat in Iraq. We know that Saddam Hussein will capitulate only if he senses that the only alternative is destruction. A clear declaration of our unity and our determination to eliminate the Iraqi threat to our own security and that of the community of nations is the best way to the multilateral, diplomatic solution that we seek.

I remain convinced that a unilateral attack by the United States on Iraq creates grave threats to the security of our people, even while it eliminates others. But I also agree with the President that a failure to confront Saddam Hussein now, before he has nuclear capabilities, would be a colossal mistake. To maximize our national security, we must balance these two dangerous and uncertain possibilities. The resolution before the United States Congress ensures that, to as great an extent possible, that precarious balance is struck. Through its focus on diplomacy, its concern for the broader war on terrorism, and the resolve it communicates to the rest of the world, it is the most likely vehicle to the multilateral, diplomatic disarmament of Iraq that I and most Americans seek. I will, therefore, vote for the resolution in the most fervent hope that the force it authorizes should never have to be used.

Mr. WELLER. Mr. Speaker, I rise in support of the resolution to Authorize the Use of the United States Armed Forces Against Iraq. This resolution grants to the President all the authority he needs to protect U.S. national security interests—including the use of military force if necessary—against the threat posed by Iraq.

After more than a decade of deception and defiance since the end of the Gulf War, Saddam Hussein poses a new and growing threat to the world. He has deceived and defied the will and resolutions of the United Nations Security Council through many means including; continuing to seek and develop chemical, biological, and nuclear weapons; brutalizing the Iraqi people, using chemical weapons against his own people and committing gross human rights violations and crimes against humanity; and supporting international terrorism.

Saddam Hussein's evil regime wields a massive stockpile of chemical and biological weapons that remains unaccounted for and is capable of killing millions of innocent people. Evidence also reveals that Iraq is rebuilding facilities that it has used to produce chemical and biological weapons—and to develop nuclear weapons technology.

The facts are clear—Saddam Hussein desperately wants a nuclear weapon—and the wretched history of his evil regime demonstrates that he will use it.

This threat grows more dangerous with the knowledge of ties between Hussein and Al-Qaida. Iraq and the al-Qaida terrorist network share a common enemy—the United States of America and its allies in the War on Terror. After September 11th, Saddam Hussein's regime gleefully celebrated the terrorist attacks on America. But Saddam Hussein doesn't limit his involvement in the death of innocents to merely cheering from the sidelines. In April 2002, Saddam Hussein increased from $10,000 to $25,000 his regime's payment to families of Palestinian homicide bombers. He continues to encourage violence in the Middle East and hopes his funding will help the violence to continue.

I urge my colleagues to speak with one voice in support of this bipartisan resolution. While use of military force should be used as a last resort we must support the President and speak with one voice. History has taught us that we can not wait. We must act now.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 114, to provide authorization for the use of military force against Iraq. While I hope and pray President Bush does not have to commit our troops to such action, I believe that he must have the authority he needs to protect U.S. national security interests.

The events of September 11th showed us that we are not protected from an attack on our homeland. A first strike made with weapons of mass destruction can result in millions dead, and the U.S. must be prepared to act preemptively.

I did not reach this conclusion easily, Mr. Speaker. But in a world with biological, chemical, and nuclear weapons, a first strike capability carries with it the possibility that it will be the last strike, with millions left dead in its wake.

There can be no doubt that Saddam Hussein possesses and continues to cultivate weapons of mass destruction; the U.N. weapons inspectors were thrown out of Iraq four years ago for a reason. In addition, we know that he is violating the U.N.'s oil-for-food program to the tune of several billion dollars a year; rather than feeding innocent Iraqi citizens, this is money that is undoubtedly being spent on the development of weapons of mass destruction. And we know that if he is able to buy a softball-sized amount of plutonium on the black market, he will have a nuclear weapon within a year.

Some of my colleagues ask why we must act against this threat in particular, when there are many other threats of a grave and serious nature confronting us as we wage a global war against terror. The answer is that this threat is unique; an evil dictator has gathered together the most serious dangers of our time in one place. In Iraq we see Saddam stockpiling weapons of mass destruction, and I trust I need not remind anyone that he has used such weapons already, against his own people. In addition, he has tried to dominate the Middle East, 2nd has struck other nations in the region, including our ally Israel, without warning.

Some of my colleagues have suggested that disarming Hussein will dilute the war against al-Qaeda, but I believe that the opposite is true; these dual goals are inextricably linked. We know that Saddam has harbored and trained high-level al-Qaeda who fled to Iraq after we invaded Afghanistan. Indeed, there can be no doubt that Saddam and al-Qaeda share a common enemy: The United States of America, and the freedom we represent. And let me be clear: either could attack us at any time.

Keeping this in mind, it seems to me that we, as guardians of freedom, have an awesome responsibility to act to ensure that Saddam Hussein cannot carry out such a first strike against the United States or our allies.

Mr. Speaker, some of my colleagues object to this Resolution because we do not have a groundswell of international support for military intervention. The distinguished Chairman of the international Relations Committee has highlighted the key question as regards this issue: on whom does the final responsibility for protecting ourselves rest? Is it ours or do we share it with others?

While there is no doubt that unqualified support from the United Nations is preferable, we must be prepared to defend ourselves alone. We must never allow the foreign policy of our country to be dictated by those entities that may or may not have U.S. interests at heart.

Mr. Speaker, the Resolution before us does not mandate military intervention in Iraq. It does, however, give President Bush clear authority to invade Iraq should he determine that Saddam is not complying with the conditions we have laid before him. Chief among these conditions is full and unfettered weapons inspections; if Saddam fails to comply, as has been the unfortunate historical trend, we will have no choice but to take action. Our security demands it.

Mr. Speaker, the world community watching this debate ought not conclude that respectful disagreements on the Floor of this House divide us; on the contrary, we find strength through an open airing of all views. We never take this privilege for granted, and we need look no further than to Iraq to understand why.

Let us not forget those who continue to suffer under the evil hand of Saddam. To take just one example, the more than one and a half million Assyrians in Iraq have been displaced from their ancestral homes, tortured,

raped, murdered and caused to suffer every conceivable degradation at the hands of the Hussein regime. They have much to lose in any failed effort to remove Saddam, yet they fully support President Bush.

And they certainly will not stand alone. As President Bush noted in his address to the nation on Monday, ''When these demands are met, the first and greatest benefit will come to Iraqi men, women and children. The oppression of Kurds, Assyrians, Turkmen, Shi'a, Sunnis and others will be lifted. The long captivity of Iraq will end, and an era of new hope will begin.'' In other words, as in Afghanistan, when given hope, an oppressed people will rise up and seize the opportunity for freedom.

At the end of this debate, Congress will speak with one voice. I have no doubt that the world will witness the same expression of unity as was demonstrated by Americans across the country following the attacks on September 11th. I find comfort in the knowledge that this unity represents a promise that we will never back down from preserving our freedoms and protecting our homeland from those who wish to destroy us, and our way of life.

Mr. HASTINGS of Florida. Mr. Speaker, we are about to set the course for our nation's foreign policy that will impact the rest of this century, and we are about to decide the destiny of many of our young men and women.

There is not doubt in my mind that Saddam Hussein poses a real threat to the United States. He has violated every U.N. Security Council Resolution and has committed unspeakable atrocities against his own people. If there is an axis of evil, then Saddam Hussein is its lynchpin. However, the question before the Congress today is not whether or not Saddam Hussein is a threat. The question is what do we do about it? And when? And how?

To begin, war must be the last option, not the first solution. We must demonstrate to the world that we will continue to exhaust diplomatic and peaceful options to protect our security and national interests.

As a permanent member of the U.N. Security Council, we must demand a Resolution that allows unhampered—any time any place—access to any and all areas within Iraq for inspection, and we must equip the inspection teams with thousands of coalition forces to ensure both their protection and the United Nations' commitment to peace.

A preemptive strike will have serious repercussions on the entire Middle East region. While the threat posed by Saddam Hussein is obvious, it is equally obvious that any aggressive actions taken by the United States will prompt Saddam Hussein to strike back not only on the U.S. directly, but also on our allies and interests in the region, and specifically, Israel.

The provocation of an Iraqi strike by the U.S. is the last thing we should be doing as Israel continues to seek peace with the Palestinians, Syria, and Lebanon. Should Iraq attack Israel, as it did in 1991, Israel will respond—and who can blame them?

This won't be a war that Israel has asked for, but it may well be one they are forced to engage in. I do not want to have to explain to my constituents why I voted for a war that guarantees the injury or death of Israelis.

While there is not doubt in my mind that the U.S. can prosecute a war to successful conclusion, I remind the Commander in Chief that the men and women of our Armed Forces are already fully engaged in a war on terrorism.

In addition to that war, we have military commitments in Japan, Germany, and South Korea. We also have over 3 thousand troops in Bosnia and Herzegovina, almost 5 thousand in Saudi Arabia, over 4 thousand in Kuwait, and another 5 thousand in Serbia, to name a few. How will a war with Iraq, and make no mistake, this will be a full-fledged war, affect our peacekeeping and peace enforcement obligations in these and other parts of the world?

H.J. Res 114 lacks even the barest essentials for good foreign policy and is bereft of any consideration of global politics. It does not include any short or long term planning. I submitted an amendment in the nature of a substitute that authorized the use of U.S. Armed Forces against Iraq, and my Resolution included a number of preconditions that the President would have been forced to follow, prior to receiving authority from Congress to engage U.S. troops in war.

Those preconditions included verification that all peaceful means to obtain compliance with U.N. Security Council Resolutions have been exhausted, a commitment that the war on terrorism remain the nation's highest priority, a plan for stabilizing a free Iraq, and a commitment to protect the health and safety of the Iraqi people. I am sorry that the full House was not to permitted to vote on my proposal.

We are about to determine the destiny of far too many of our nation's young men and women. We must be absolutely certain that peaceful options have been exhausted and that we have achievable goals for stability in the region.

I am not yet certain that we have these plans or have exhausted these options. I will not support H.J. Res 114, or any other Resolution that authorizes a preemptive military strike against another nation, until these preconditions have been met. I urge my colleagues to adhere to these same standards.

Mr. BILIRAKIS. Mr. Speaker, 12 years ago, I came to this floor and voted, with a heavy heart, to authorize military action against Iraq after Saddam Hussein invaded Kuwait. Sadly, I rise today to support another resolution which once again authorizes the use of military force against Iraq and Saddam Hussein.

I think everyone agrees that military action, especially unilateral action, should never be undertaken lightly, and that judicious thought must be given to the consequences of such action. While I strongly believe that diplomacy is always preferable, it has become clear to me that we can no longer afford to ignore the threat posed by Saddam Hussein and his brutal regime.

It has been well documented by previous speakers today that since the end of the Persian Gulf War, the threats posed by Iraq have actually increased rather than diminished. For more than a decade, Saddam has persisted in violating numerous United Nations resolutions designed to ensure that Iraq does not pose a threat to international peace and security. At the same time, he has consistently tried to circumvent U.N. economic sanctions against his brutal regime. Iraq continues to breach its international obligations by pursuing its efforts to develop a significant chemical and biological weapons capability, actively seeking nuclear weapons capability and supporting and harboring terrorist organizations.

Given his abysmal record for violating international obligations, there is no reason to believe that Saddam can be trusted to abide by his most recent promises for cooperation. Rather than making a true commitment to international peace, his latest statements are nothing more than ruse designed to give him ore time to further strengthen his own arsenal of weapons to use against us and our allies.

We cannot sit idly by and let Saddam Hussein wreck havoc on the world. Nor can we afford to wait until another terrorist attack claims the lives of more innocent Americans. History has taught us that there are severe consequences for inaction against a brutal dictator.

The United States is unique because it is the only country whose very existence was based on an idea—the idea of freedom; it is an idea that must be constantly guarded. It is a noble but a fragile thing that can be stolen or snuffed out if not protected.

Mr. Speaker, I sincerely hope that the use of military force can be avoided but we cannot shy away from it out of fear. Giving the president the authority to use military force as a last resort may be the best way to avoid actually having to us it at all.

I urge my colleagues to support H.J. Res. 114.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to speak about the question of life or death as we have considered the steps we will take to deal with the problem of Saddam Hussein's regime in Iraq.

The Constitution was not created for us to be silent. It is a body of law that provides the roadmap of democracy in this country, and like any roadmap, it is designed to be followed.

Saddam Hussein is indeed an evil man. He has harmed his own people in the past, and cannot be trusted in the future to live peacefully with his neighbors in the region. I fully support efforts to disarm Iraq pursuant to the resolutions passed in the aftermath of the gulf war, and I do not rule out the possibility that military action might be needed in the future to defend the United States.

Right now, however, we are moving too far too quickly with many alarmist representations yet undocumented. There is no proof that our Nation is in imminent danger, because if there were, every single member of this body would rightfully expect and approve of the President acting immediately to protect the country.

It is not too late for peace. With tough weapons inspections and strict adherence to the Security Council resolutions dealing with weapons of mass destruction, war can still be averted if we are willing to pursue aggressive diplomacy. Since we are a just nation, we should wield our power judiciously—restraining where possible for the greater good.

We should make good on the promise to the people that we made in the passage of the 1998 Iraqi Liberation Act. We should do all that we can to assist the people of Iraq because as President Dwight Eisenhower said, ''I like to believe that people in the long run are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days, governments had better get out of the way and let them have it.''

Mr. GONZALEZ. Mr. Speaker, all Members of Congress agree that Saddam Hussein is a dangerous and tyrannical man. He is the enemy of the United States and all other civilized nations and his ability to wage biological

and chemical warfare must eventually be extinguished. But this can and must be accomplished without imperiling the security of our citizens or the moral integrity that has characterized the United States as the greatest democracy in the world.

Mr. Speaker, Congress cannot abdicate its responsibility in the decision to wage war and invade another country. This resolution makes possible a unilateral declaration of war against Iraq based on the sole determination of the President. He can do this without exhausting multi-national efforts and for any reason he deems appropriate. This is an overly broad delegation of authority from the legislative branch to the executive branch which is contrary to Constitutional authority.

Mr. Speaker, the substitute offered by Congressman SPRATT, which failed today, would have told the United Nations, Saddam Hussein and the entire world that the United States insists on unrestricted inspections, an abbreviated and absolute inspection timetable, strict standards of verification and accountability, and disarmament by any appropriate means at the proper time. Under this substitute, failure to accomplish these goals under U.N. auspices would have resulted in a vote in the U.S. Congress on whether to proceed unilaterally. This approach was the superior, more reasoned choice . . . both in responsibly protecting the American people and remaining faithful to Congress' Constitutional duties.

Mr. Speaker, it has been said that a smart man wins a war, a wise man avoids a war. Today Congress did not act wisely.

Mr. PASCRELL. Mr. Speaker, many years from now, when those so inclined decide to examine the Congress of this era, I am confident that they will find ours to be a thoughtful, involved House, one that judiciously examined every issue essential to the defense and freedom of our Nation and her allies.

For 3 days, members marched to the floor to offer their support for, or opposition to, this bipartisan resolution. Indeed, the true essence of democracy has been displayed on the floor of the House of Representatives. I am proud to have been a part of the dialogue concerning this important issue of our time.

And it was with much deliberation, consultation, and discussion that I came to support the resolution authorizing the use of military force against Iraq if that force becomes necessary and if all other means of eliminating this threat fail.

Let me be clear. This is not a declaration of war from the Congress. This was Congress ensuring that the President has the authority he needs to deal with the very real threat of Iraq.

Saddam Hussein is a tyrant and a threat. He is the epitome of malevolence. Indeed, the record of this murderous regime has been outlined forcefully in this body, and by our Commander in Chief.

Saddam has used weapons of mass destruction against his own people. He waged war with Iran; he invaded Kuwait. For the last 11 years he has defied the will of the entire planet as expressed in resolutions by the United Nations Security Council.

I know of no thinking person who argues against the profound necessity of eliminating Saddam's weapons technology. We all agree on the menace he poses and desire a world where he is not a factor.

Saddam Hussein's repeated defiance when it comes to permitting weapons inspections is a strong indication that his regime poses a very real threat to the civilized world right now.

Ultimately, I believe that Saddam Hussein is dangerous. Dangerous in his country, dangerous to his region, and dangerous to the United States. Therefore I feel that giving the President the authority to use force against Iraq is an important matter of international-national security. Iraq poses an immediate biological and chemical threat to 50,000 American troops in the Middle East. This exacerbates the already enormous instability in the region.

However, I do not give the President this authority without reservation. To be sure, in my view, there are still important lingering questions that demand further discussion from the President and this Administration.

For example, should military force be required, when what? After the intervention, how will the situation likely evolve?

Why have more nations thus far chosen not to join us in this coalition against the threat of Saddam? How will we share the costs of war with those allies who have joined with us?

If Iraq is truly part of our war on terror, what about those other nations that seem to fit this criteria of harboring terrorists and possessing weapons of mass destruction? Will we address those threats next, and if so, how? The President must be prepared to answer this question of why Iraq and not others.

Further, we must make absolutely certain that whatever is done in Iraq does not negatively impact the broader war that we authorized 12 months ago—the war on terrorism. Al Queada has already taken thousands of our sons and daughters, fathers and mothers. We cannot waver one bit in our pursuit of those who attacked this nation on September 11, 2001.

An we must continually emphasize that our nation must work with its allies. It is critical that we try to attain as much international support as possible. Working together with other nations on this front will expedite the intervention process and enhance the chances for post-war success.

It is this last point that I find absolutely critical. That is why I was a cosponsor of the Spratt substitute resolution. It mandated the administration to fully work through the possibility of securing a new resolution from the United Nations Security Council calling for the disarmament of Iraq's weapons of mass destruction before any pursuit of unilateral action.

Although I am disappointed that the mandate of the Spratt substitute did not pass, I am confident that as long as Congress exercises thorough oversight, then the president will proceed judiciously.

The resolution that passed the House today was negotiated with the Democratic leadership. This was a bipartisan compromise, incorporating may provisions that were left out of the President's initial draft proposal. President Bush has shown good faith thus far in his dealings with our party. It is time to unite behind our commander-in-chief.

Nobody wants this conflict to end up in war. Nobody fails to comprehend the gravity of this decision. Nobody wants one American soldier to be in harm's way.

In fact, we all hope that through the use of other means, including exhausting our diplomatic options, Iraq can be disarmed such that the world community determines that force is not necessary.

But shall that avenue fail, our nation must be prepared to protect its citizens fully and completely from those who wish us harm.

Indeed, it is imperative that the United States speaks with one voice to Saddam Hussein. There can be no ambiguity in our resolve to protect and defend this nation, and the House accomplished this today.

Mr. BRYANT. Mr. Speaker, I rise today in support of this important resolution. Mr. Speaker, I represent Fort Campbell, home of the 101st Airborne. These brave men and women may likely be among the first soldiers called into duty in the event we go to war with Iraq. The 101st was called into service during Operation Desert Storm, and more recently they continue to serve their country with pride in Afghanistan.

Saddam Hussein is an evil man who cannot be trusted. Almost everyone in this esteemed body agrees with that statement. If we allow Saddam to develop or obtain weapons of mass destruction, how then will we be able to stop him? As the President said on Monday night, we don't fully know what his weapons capabilities are, and we need to have our inspectors go to Iraq to find out. If Saddam continues to defy the will of the United Nations Security Council and of the global community, we must act.

No one wants to go to war with Iraq. I would prefer that the men and women at Fort Campbell, who I represent, not be forced to leave their families. However, I know that they are ready for another ''rendezvous with destiny'' should they be called upon.

Four years ago, an overwhelming majority of this House, including many of those who now speak out against action in Iraq, voted to make regime change in Iraq the official policy of our government. What has changed since then? Has Saddam allowed weapons inspectors full unfettered access in Iraq? Has he destroyed his weapons of mass destruction and stopped programs to develop these weapons? The answer is no.

Saddam has defied the U.N. Security Council and the global community by ignoring countless U.N. resolutions. Our Commander-in-Chief has called upon this great body to give him the authority to hold Saddam accountable. We must Act.

After World War II, when what some have deemed our ''greatest generation'' fought for freedom in Europe and in the Pacific, we promised ourselves ''never again.'' Never again would we allow tyrannical dictators to threaten the global peace and to use unjust and immoral force against his own or other people. Unfortunately, again may be happening. I know that this generation will live up to its calling, and someday, we may just be calling those brave men and women our greatest generation.

Mr. Speaker, I urge my colleagues to support this resolution. It is not only important for our security, but for the security of the entire free world.

Mr. MOORE. Mr. Speaker, I rise in support of this resolution.

Because this action could ultimately send our sons and daughters to war, my decision to support this resolution is one I have considered very carefully. I have spent the past several months gathering information from experts

in this and previous administrations, from other experts in the field, and from my constituents in Kansas. I have spoken to community leaders, religious leaders, and my family.

When I began this process, I stated my belief that the President should present to Congress, the American people, and the international community a compelling case for intervention in Iraq. I have been presented with evidence and intelligence—some of it classified—regarding the threat posed by Saddam Hussein. I am convinced that we must take action to rid Iraq of its weapons of mass destruction.

This resolution is not the same as the measure originally proposed by the White House. The resolution is a compromise agreed to by the President and Democratic and Republican leaders in Congress. It requires that the President exhaust all diplomatic options and notify Congress before implementing military action. Diplomacy must be our Nation's first priority in resolving the crisis in Iraq. I hope the use of force won't be necessary. But in order for diplomacy to be successful, the threat to use force must be credible.

The resolution also encourages the President to work with our allies and the United Nations in dealing with Saddam. We were successful in the Persian Gulf War and, more recently, in Afghanistan by working cooperatively with our allies and the United Nations. That policy should guide the President and Congress as we confront the threat from Iraq.

As a father and grandfather, this decision that could send our sons and daughters to war is the most difficult one I have faced as your congressman. But we must confront Saddam's threat to our security. And we must keep America safe. The resolution allows us to do that.

There is no question that Saddam Hussein possesses weapons of mass destruction in the form of chemical and biological weapons. There is also no question that he is working to develop a nuclear capability. He could be in possession of a working nuclear device in a matter of several months to a few years.

There is also no question that Saddam has shown a willingness to use weapons of mass destruction against other countries and his own people. And there is growing evidence of his willingness to share his weapons with terrorists and rogue agents who might use those weapons against America.

Saddam's aggressive nature knows few bounds. He represents a clear and present danger to the United States, our citizens, and our interests in the world. Based upon the evidence and intelligence I have reviewed, I believe Iraq presents a clear threat to the United States. I will support and vote for the use of force resolution the President and congressional leadership agreed to on October 2. This measure gives the President the authority he needs to enforce the U.N. resolutions Iraq has violated, while limiting the scope and duration of the authority to address the current threats posed by Iraq.

There's an old saying: ''Politics stops at the water's edge.'' That is the case here. We must show the world that we are united in our determination to protect our Nation and our people from threat posed by Iraq.

Mr. HOLT. Mr. Speaker, this past Sunday during a pancake breakfast at a firehouse in my hometown, one of my constituents approached me. ''Why have we gotten into this headlong rush into war,'' he asked? ''Why haven't we first exhausted all the other possibilities for dealing with Saddam?'' His questions reflected both my feelings and those of so many other Americans: Where is the pressing need to send our Nation, our servicemen and women, into a potentially bloody, costly war that could threaten rather than strengthen our national security?

I will vote ''no'' on this resolution.

It is true that Saddam Hussein has for years presented a threat to his own people, to the Middle East, to the world. His relentless pursuit of weapons of mass destruction is unconscionable. We have a legal and a moral obligation to hold him accountable for his flagrant violation of international law and his maniacal disregard for human decency.

I applaud the President for refocusing international attention on the Iraqi threat. This is something that I have followed with concern since I worked in the State Department 15 years ago on nuclear nonproliferation. However, I believe it is at the least premature, and more likely contrary to our national interest, for Congress to authorize military action against Iraq now.

As I reviewed the arguments for and against this resolution, I found myself returning repeatedly to some basic questions. Would unilateral American military action against Iraq reduce the threat that Saddam Hussein poses? In other words, would a Saddam facing certain destruction be less likely or more likely to unleash his weapons of mass destruction on his neighbors, his own people, or on Americans? Will an attack against Iraq strengthen our greater and more pressing effort to combat al Qaeda and global terrorism? Will it bolster our ability to promote our many other national security interests around the world and make Americans more secure? I believe the answer to all of these questions is a resounding no.

Why should we undertake action that makes more likely the very thing we want to prevent? A cornered Saddam Hussein could release his arsenal of chemical, biological, and possible nuclear weapons on American soldiers or on his neighbors in the region, including Israel. The CIA recently reported that Iraq is much more likely to initiate a chemical or biological attack on the United States if Saddam concludes that a U.S.-led invasion can no longer be deterred.

In addition, I am also concerned that an American invasion of Iraq would send a destabilizing shockwave throughout the Middle East and ignite violent anti-Americanism, giving rise to future threats to our national security. While I have no doubt that we would successfully depose Saddam Hussein, I am concerned that the act of extinguishing Saddam would inflame, rather than diminish, the terrorist threat to the United States. And the ensuing anti-American sentiment could reinvigorate the terrorists' pursuit of the loose nuclear weapons in the former Soviet Union—a greater threat than Iraq, I might add, one that America has largely neglected.

The Administration has tried and failed to prove that Saddam's regime is a grave and immediate threat to American security. It has also simply failed to explain to the American public what our responsibilities would be in a post-Saddam Iraq. How will we guarantee the security of our soldiers and the Iraqi people? How will we guarantee the success of a democratic transition? How many hundreds of billions of dollars would it cost to rebuild Iraq?

This resolution would give the President a blank check, in the words of many of my constituents, and would allow him to use Iraq to launch a new military and diplomatic doctrine. By taking unilateral, preemptive military action against Iraq, we would set a dangerous precedent that would threaten the international order. Instead, we can and should take the lead in eliminating the threat posed by Saddam Hussein, not by taking unilateral military action. If we consult actively with our allies in the region, with NATO, with the U.N. Security Counsel, we will be able to undertake effective inspections and end Saddam's threat. I do not believe that we need the permission of our allies to take action, but I do believe that we need their partnership to be successful in the long run.

As the world's leading power, we should use the full diplomatic force at our disposal to work with our allies to get inspectors back into Iraq without any preconditions—including access to Saddam's presidential palaces. We can and we will disarm Iraq and end Saddam's threat. The United Nations and the international community may recognize the need to take military action. The American people will understand and be prepared for that possibility. Now, they are not. Now, they are saying that, for the United States, war should and must always be our last resort.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 574, the previous question is ordered on the joint resolution, as amended.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in violation of the rules of the House and directs the Sergeant-at-Arms to restore order.

MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. KUCINICH. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KUCINICH moves to recommit the joint resolution H.J. Res. 114 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

Page 9, after line 2, insert the following:

(c) ADDITIONAL REQUIREMENT.—Prior to the exercise of the authority granted in subsection (a) to use force, the President shall transmit to Congress a report, in unclassified form, that addresses the impact of such use of force on the national security interests of the United States. The report shall contain, at a minimum, the following:

(1)(A) An estimate of the costs associated with military action against Iraq, as determined by the Secretary of Defense, and an

estimate of the costs associated with the reconstruction of Iraq, as determined by the Secretary of State.

(B) An estimate by the Director of the Office of Management and Budget of any additional funding to pay the costs referred to in subparagraph (A) to be derived from one of more of the following:

(i) Offsetting reductions in other Federal programs.

(ii) Increases in Federal revenues.

(iii) Increases in public borrowing.

(2) An analysis by the Secretary of the Treasury of the impact on the United States economy likely to result from military action against Iraq, including the impact on the gross domestic product, the unemployment rate, the Federal Funds rate, and the financial markets.

(3) An estimate by the Secretary of Energy of any change in the price of crude oil and downstream products likely to result from military action against Iraq and an analysis of the impact of such change on the United States economy.

(4) A comprehensive plan developed by the Secretary of the Treasury and the Secretary of State for United States financial and political commitment to provide short-term humanitarian assistance to the people of Iraq and to provide long-term economic and political stabilization assistance for Iraq.

(5) An assurance by the Secretary of Defense that all United States Armed Forces to be deployed pursuant to the exercise of authority granted in subsection (a) have been provided with equipment to protect against chemical and biological agents (A) in levels sufficient to meet minimum required levels previously established by the Department of Defense, and (B) in conditions that are neither defective nor expired.

(6) An estimate by the Secretary of Defense of the number of United States military casualties and Iraqi civilian casualties that would result from military action against Iraq, including an estimate of the number of such casualties that would result from military actions in and around Baghdad.

(7) A comprehensive statement by the Secretary of the Defense and the Secretary of State that details the nature and extent of the international support for military action against Iraq, and the effects, if any, military action against Iraq would have on the broader war on terrorism, including, but not limited to, the effect on the support of United States allies in the Middle East.

(8) An analysis by the Inspector General of the Department of Defense, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the assertions of the intelligence community with respect to Iraq's current capability to produce and deliver weapons of mass destruction. In the preceding sentence, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947.

(9) A comprehensive analysis by the Secretary of State of the effect on the stability of Iraq and the region of any change in the government of Iraq that may occur as the result of United States military action, including, but not limited to, the effect on the national aspirations of the Kurds, Turkey and its continued support for United States policy in the region, the economic and political impact on Jordan and the stability of the Jordanian Monarchy, and the economic and political stability of Saudi Arabia.

(10) A comprehensive analysis by the Secretary of State of the long-term impact of a preemptive first strike attack by United States Armed Forces against Iraq on the stability of the United States and the world. The analysis should include, but not be limited to, the impact on regional conflicts involving the Russian Federation and the Republic of Georgia, Pakistan and India, Israel and the Palestinians, and the People's Republic of China and Taiwan. The analysis should also include the long-term impact on the United States of the international sentiment that a preemptive first strike attack by United States Armed Forces against Iraq would breach international law.

Page 9, line 3, strike ''(c)'' and insert ''(d)''.

Mr. KUCINICH (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes in support of his motion to recommit.

□ 1415

Mr. KUCINICH. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in support of the motion to recommit.

We know that for every action there is a reaction. We do not know what danger lies before us. Every American has the right to know what price in terms of human lives and economic resources that they will have to pay. We owe them some answers. This is about life or death. We owe them answers to the questions the gentleman from Ohio has raised and will raise, and far more. In a democracy the people have a right to know.

Mr. KUCINICH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN), my colleague and neighbor.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

In the Committee on International Relations, I offered this language embodied in the Kucinich recommittal motion: if we give the President the authority to radically change, to radically change, our decades-old military doctrine of containment and deterrence, we need answers to questions the American people are asking. If we strike Iraq on our own, will our coalition against terrorism fracture? Most of our allies in the war on terror oppose U.S. unilateral action against Iraq. And what will a unilateral strike tell the world? Does it embolden Russia to attack Georgia to chase down Chechneyan rebels? Does it set an international precedent for China to go into Taiwan or to deal even more harshly with Tibet? Does it embolden India, Pakistan, or both, each with nuclear weapons from going to war to protect their interests in Kashmir? And if we win a unilateral war, will we be responsible for unilaterally rebuilding Iraq?

This Congress should not authorize the use of force unless the administration can detail what it plans to do and how we deal with the consequences of our actions. Vote ''yes'' on the recommittal motion.

Mr. KUCINICH. Mr. Speaker, I yield myself 3½ minutes.

The joint resolution, H.J. Res. 114, gives the President the authority to use all necessary force at his discretion. This motion to recommit is neutral on this central point. And I know there are people on both sides of the aisle, on both sides of the proposition before us, who are interested in knowing that, that that resolution does not take a position on the underlying bill. But with power comes responsibility, and in a democracy the responsibility is to the people. This motion to recommit would assign the administration with the responsibility to inform the American people on key questions raised by a use of force in Iraq, questions that Members on both sides of this proposition have raised.

The American people want to know what will use of force in Iraq cost, and how will it be paid for. With budget cuts? With more borrowing? With tax increases? The American people want to know what financial commitment the administration is making to address humanitarian consequences of a use of force in Iraq. The American people want to know what impact will the use of force in Iraq have on the economy of the United States and on the important price of oil. The American people want to know how a use of force in Iraq will affect efforts to prevent further terrorist attacks. The American people want to know these things because they know that ultimately they will be required to pay the price. They are entitled to answers, and the motion to recommit ensures that they will get those answers before they get the bill.

Mr. Speaker, as the ranking Democrat on the Subcommittee on National Security, Veterans' Affairs and International Relations of the Committee on Government Reform, I have sat in on several meetings where the Department of Defense, Inspector General, and the General Accounting Office have informed the Congress that 250,000 biological and chemical protective suits are defective; 250,000 of these suits are defective, but the Department of Defense cannot account for them. This motion before us would help protect our troops by requiring assurance that the United States Armed Forces deployed have been provided with functioning equipment to protect against chemical and biological agents in sufficient levels and that this equipment is not defective. Mr. Speaker, this becomes particularly urgent since the Central Intelligence Agency has just informed the Congress that if the United States invades Iraq, Saddam Hussein can be expected to use whatever biological or chemical weapons he may have.

Whatever our position on the war, I am certain that we want to protect our troops who would be called upon to put their lives on the line to protect this

country. This is an example of the information which the American people have a right to know.

Mr. Speaker, this has been an important debate for our Nation. People on both sides of this proposition as to whether or not the United States should pursue action against Iraq are doing the best they can to represent our country. All of us love our country; but our love of country should include our desire to get answers on behalf of our constituents, answers on behalf of those who would be called to serve overseas. So it is in that spirit that I ask my colleagues on both sides of the aisle and both sides of this proposition to join in support of this motion to recommit with instructions.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. HYDE) opposed to the motion to recommit?

Mr. HYDE. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I oppose the motion to recommit; and if anybody wants detailed reasons, I suggest they read it. It sets up roadblocks that I think are virtually insurmountable.

In the thousands of words we have heard in the last couple of days uttered on Iraq, a few important truths emerge. First, Saddam Hussein is a very dangerous person. The history of his regime is one of unrestrained violence against Iran, against Kuwait, against the Kurds, against the Shias, and against others whose only offense is to oppose his despotic regime. Secondly, he hates America. Thirdly, he is making a feverish attempt to arm with weapons of immeasurable destructive capacity; and when he is ready, he will use them.

Do you remember the first time you saw the films of the mushroom cloud engulfing Hiroshima and then you learned about the deadly effect of radiation on humans? That was 1945. Does the fact that modern thermal nuclear weapons would unleash a thousand times the destructive power of Hiroshima worry you at all? You might ask why are we debating this resolution at this moment in time. The answer should be apparent: September 11, which was more than a wake-up call. It shook us out of a long, deep sleep and held us by the throat. It taught us there are people in the world willing to destroy themselves to gratify their hatred and we had better take them seriously.

We tend to visualize what we call weapons of mass destruction in terms of bombs reducing buildings to rubble, but missiles can carry bombs with chemical and biological agents that can poison a city as well as destroy its infrastructure. Either way, it is death and destruction on a horrendous scale. Is such an attack imminent? Did we know Pearl Harbor was imminent? Did we know the World Trade Center attacks were imminent? The willingness to destroy must never marry the capability to destroy. And Santayana was right, those who do not read history are condemned to relive it.

In a book written sometime after, I suppose, in the 1940's by William C. Bullit, who was our first ambassador to Russia appointed by President Roosevelt called ''The Great Globe Itself,'' he said: ''To beat our swords into plowshares while the spiritual descendants of Genghis Khan stalk the earth is to die and leave no descendants.''

The world looks to us for leadership. The world looks to us for strength and resolve. We make no demands for territory or commercial advantage. All we want is a peaceful world. ''If you love peace, prepare for war,'' said the ancient Romans. There are ideals and ideas worth fighting for. They are the civilizing forces that make life worth living, that respect the dignity that is every person's entitlement. Those ideals and principles are under attack and we must defend them. By supporting the President, we send a message to the forces of conquest and chaos that America, the West, is not as decadent as they may think. Support the President.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 101, nays 325, not voting 5, as follows:

[Roll No. 454]

YEAS—101

Allen
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Eshoo
Evans
Farr
Fattah
Filner
Frank
Green (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
Lee
Lewis (GA)
Maloney (NY)
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Moran (VA)
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Slaughter
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Watson (CA)
Watt (NC)
Waxman
Wexler
Woolsey
Wu

NAYS—325

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano

Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Gutierrez
McKinney
Ortiz
Roukema
Stump

□ 1447

Messrs. BAIRD, GOSS, LATHAM, PORTMAN, GARY G. MILLER of California, SMITH of Michigan, and LUTHER, and Mrs. NORTHUP changed their vote from ''yea'' to ''nay.''

Mr. RODRIGUEZ, Ms. DEGETTE, and Mr. MATSUI changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WATERS. Mr. Speaker, on roll-call No. 454 I inadvertently voted ''nay''. I intended to vote ''yea''.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 296, nays 133, not voting 3, as follows:

[Roll No. 455]

YEAS—296

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—133

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Frank
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holt
Honda
Hooley
Hostettler
Houghton
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney (CT)
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wu

NOT VOTING—3

Ortiz
Roukema
Stump

□ 1505

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule waives all points of order against the conference report to accompany H.R. 5010, the Department of Defense Appropriations Act for fiscal year 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

The defense appropriations conference report provides the tools and

the resources for our military to wage an aggressive war against terrorism while defending our Nation against ever-changing military threats.

Mr. Speaker, each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever fought before. This enemy is patient, building resources and striking where and when we are least prepared. The enemy uses a different method each time. This enemy requires a new kind of defense, and that is what this conference report is attempting to build.

I agree with President Bush when he says that our Armed Forces must be ready to confront every threat from any source that could bring sudden terror and suffering to America. Our forces must be ready to deploy to any point on the globe on short notice.

This bill increases operation and maintenance by over $9.7 billion. This Nation must have, will have, ready forces that can bring victory to our country and safety to our people.

The world's best soldiers, sailors, airmen, and Marines also deserve the world's best weaponry; and, to ensure that, our Nation must invest in procurement accounts. This defense conference report contains $71.6 billion for procurement. Our Nation must give our military the weapons it needs to meet future threats. If the war against terror means that we must find terror wherever it exists, pull it out by its roots, and bring people to justice, our military must have the means to achieve that objective.

I am also pleased this bill makes significant improvements in the quality of life for the men and women who serve in the Armed Forces. These improvements include a 4.1 percent military personnel pay raise and targeted pay raises to midgrade noncommissioned officers, generous housing allowances that will significantly decrease service personnel's out-of-pocket expenses, and access to high-quality health care.

We can never pay our men and women in uniform on a scale that matches the magnitude of their sacrifice.

□ 1515

But this bill reflects our respect for their selfless service. I feel very strongly that we need a strong national defense and we need to be prepared and, indeed, we are with this defense conference reports.

The primary responsibility for us as elected officials is to provide for the common defense of our fellow countrymen; and to that end, I urge my colleagues to support the rule and support the underlying bill.

Now more than ever we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, earlier today the House demonstrated its bipartisan resolve to end the threat posed by Saddam Hussein. Now with this conference report, funding the Department of Defense for the next fiscal year, Democrats and Republicans once again demonstrate our bipartisan support for America's national defense and for the men and women of the United States Armed Forces.

Over the past year, Mr. Speaker, the world has been reminded of the skill, courage, and professionalism of the U.S. military. America's men and women in uniform have done everything this country has asked of them and they have done it well. So I would like to commend the chairman and ranking members of the Committee on Appropriations and the Subcommittee on Defense, the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA) for the tremendous job they have done to bring this conference report to the floor.

It provides U.S. soldiers, sailors, airmen and Marines with the resources they need to ensure our national security. It represents our bipartisan commitment to our troops and to the war on terrorism. Overall, it provides $355.4 billion for the Department of Defense for fiscal year 2003, which is an increase of $37.8 billion over last year's level. It continues to fund the wide range of weapons programs that ensure America's military superiority throughout the world. And, very significantly, it provides for a substantial quality-of-life improvement for America's men and women in uniform and their families. In particular, this conference report includes funds for a 4.1 percent military pay raise; and it provides $14.8 billion for military health care and $7.7 billion for Tricare-for-Life, the health care plan for military retirees over age 65.

Mr. Speaker, maintaining our status as the world's premier military power requires continued investments in the advanced weapons upon which our troops rely. The conference report makes these investments. It includes $4 billion for 23 F–22 Raptor aircraft, the high-technology air dominance fighter for the Air Force. It also provides $3.5 billion for the Joint Strike Fighter, the next generation, multi-role fighter for the future of the Air Force, the Navy and the Marines. And it includes nearly $1.5 billion for the V–22 Osprey aircraft, and $129 million to procure three Global Hawk UAWs, which have been instrumental in the war in Afghanistan.

Mr. Speaker, I am pleased to note that the conference report provides $136 million, an increase of $70 million over the Pentagon's request for the joint U.S.-Israel ARROW program to provide effective theater-missile defense.

Finally, Mr. Speaker, I would like to point out that our Armed Forces depend heavily on the men and women who serve in the National Guard and Reserve. So I am pleased this conference report provides more than $28 million in personnel and readiness funding for the Guard and Reserve, and $100 million more than the President requested for the equipment they need.

I urge the Republican leadership after we have completed this conference report to allow the House to pass a Senate-amended version of H.R. 5557, the Armed Forces Tax Fairness Act of 2002. This important bill will restore the tax deductibility of the training expenses incurred by our National Guard and Reservists. These Americans are serving their country honorably, and they should not have to pay out of their own pockets to get to their duty stations.

All in all, however, this conference report does a good job providing our troops with the resources they need to do the jobs we ask of them. For that reason, I ask my colleagues to join me in supporting it and the rule to bring it up.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have no quarrel with the bill that will come to the floor after this resolution. But I do most certainly have a quarrel with the fact that the conferees deep-sixed the Wellstone amendment, an amendment which would have said that no American corporation which tries to move its mailing address to Bermuda or some other exotic place in order to escape their fair share of taxes may participate in obtaining government contracts.

I think the practice of American corporations moving their mailing address, especially in time of war, to escape their duty to help pay for the services which they are provided with by the government, and to help pay for the common defense, is outrageous and indefensible. I think it is un-American. And I find it ironic that the bill which goes to the heart of our obligation to defend our country does not take that added step of also protecting our taxpayers.

Just 8 days ago, the General Accounting Office reported that $2.7 billion in Federal contracts in fiscal 2001 went to four corporate expatriates. The GAO estimated that a substantial share of those contracts were defense related. The joint tax committee has estimated that over the next 10 years corporate expatriates will cost us more than $4 billion in funds that could help pay for our Nation's security or any other government obligation.

Now, these are not foreign corporations. These are American corporations

with their plants, employees and headquarters in your districts and mine all around the country. They simply incorporated in Bermuda or some other exotic place with nothing more than a post office box, and they do so for no other reason than to avoid helping pay their fair share of the Nation's costs, including the Nation's defense costs. That action is obscene.

Those companies have abandoned our country at its most critical hour, but they still seek to profit directly from the challenges we face. They should be ashamed of themselves and so should any Congress that avoids their responsibilities in bringing that kind of behavior under control.

This House adopted the DeLauro amendment, which was aimed at this same item; and the Senate adopted the Wellstone amendment. And, yet, the Congress, as usual, has found a way to make it easy for some of the most privileged corporations in this country to avoid their responsibilities to the Nation, to their workers, and to the taxpayers. It is a shameful sham. We should not reward them with defense contracts or any other contracts with the Federal Government.

We have now finished debating Iraq. My question is, What is next, boys and girls? Are we going to do anything at all to deal with our domestic problems before we run home to our constituents pretending that we have finished our job? I want to know what we will do to protect pensions. I want to know what we will do to provide a decent education budget, a decent housing budget, a decent environmental protection budget. I want to know what we are going to do to protect family security as well as national security.

But, evidently, what this institution is going to do is to pass two appropriations bills, military construction and DOD, and then cut and run and go home.

I do not think this ought to be known as the 107th Congress. I think it ought to be known as the Cut and Run Crowd.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, my friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), just told me to cut it off. So instead of 3 minutes, I will take a minute or 30 seconds. But I was going to spend the time talking about the chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA). He still wants me to cut my time.

Mr. Speaker, I wanted to say there is no better committee to serve on. One does not know Republican from Democrat on that committee. They are there to help the men and women in this armed services, and I am very, very proud to serve on that committee and with the men and the women that serve and with the staff. God bless them.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in support of funding our Defense Department, but also to oppose the efforts of those who excuse corporate expatriation.

Since September 11, this nation has pulled together to fight the war on terrorism. And now, with more military action looming, we must face the fact that war costs money. To fully fund the needs of our military, every American taxpayer, individual and corporation alike, must be prepared to pay their fair share.

If corporate expatriates are not paying their tax bills (and evidence shows they avoid paying $4 billion worth), the American people know that someone will have to pick up the slack. We should use everything in our arsenal to stop corporate expatriation. No more government contracts for financial traitors. No more tax benefits for runaway corporations.

I regret that the Conferees struck the very reasonable federal contract ban from this bill.

Corporate expatriates cheat the federal government out of needed tax revenues and then have the audacity to return for a federal handout.

Let's take Tyco, formerly of New Hampshire, now of Bermuda, for example. Tyco avoids paying $400 million a year in U.S. taxes by setting up a shell headquarters offshore, but was awarded $156 million in lucrative Defense Department contracts in 2001 alone. If Tyco had just paid it tax bill, the conferees could have easily awarded the Coast Guard the extra $300 million that was left out of this bill.

Or let's examine corporate expatriate Ingersoll-Rand, formerly of New Jersey, and now also in Bermuda. Ingersoll-Rand's tax avoidance would pay for half the money we've going to spend in order to protect Israel from Iraqi Scud missiles.

Mr. Speaker, the leadership of this House has thwarted all efforts to have a legitimate debate and vote on the Neal-Maloney Corporate Patriot Enforcement Act, a bipartisan bill to deny the benefits to corporations who flee to tax havens. We must show the American people that this Congress will not coddle corporate abusers. These financial traitors are escaping income taxes, and then, profiting from the very government they had left behind.

I urge my colleagues to fight for tax fairness, any way we can get it.

Mr. FROST. Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 37, not voting 20, as follows:

[Roll No. 456]

YEAS—374

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—37

Baldwin
Barrett
Brown (OH)
Clayton
Conyers
DeFazio
DeGette
Delahunt
Doggett
Filner
Gephardt
Hilliard
Hinchey
Holt
Jones (OH)
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Oberstar
Obey
Owens
Payne
Rangel
Rivers
Sawyer
Schakowsky
Slaughter
Stark
Strickland
Tierney
Udall (CO)
Udall (NM)
Waters
Watt (NC)
Woolsey

NOT VOTING—20

Baldacci
Barr
Berman
Bonior
Brady (TX)
Burr
Cooksey
Coyne
Frank
Greenwood
Hilleary
McKinney
Ortiz
Osborne
Portman
Roukema
Stump
Tanner
Weldon (FL)
Young (AK)

□ 1556

Messrs. GEORGE MILLER of California, DELAHUNT and SAWYER changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Illinois and Mr. MALONEY of Connecticut changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, yesterday I was unavoidably detained for rollcall votes 448, 449, 450, and 451. Had I been present, I would have voted ''aye'' on all.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 579, I call up the conference report on the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 579, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 9, 2002).

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. LEWIS of California. Mr. Speaker, Members will be very pleased to hear that I prepared a half-hour address regarding this measure, but I gave those remarks this morning.

Mr. Speaker, I submit for the RECORD a document relating to the 2002 and 2003 Defense appropriations.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	23,752,384	27,079,392	26,832,217	26,939,792	26,855,017	+3,102,633
Military Personnel, Navy	19,551,484	22,074,901	21,874,395	21,975,201	21,927,628	+2,376,144
Military Personnel, Marine Corps	7,345,340	8,558,887	8,504,172	8,507,187	8,501,087	+1,155,747
Military Personnel, Air Force	19,724,014	22,142,585	21,957,757	22,036,405	21,981,277	+2,257,263
Reserve Personnel, Army	2,670,197	3,398,555	3,373,455	3,402,055	3,374,355	+704,158
Reserve Personnel, Navy	1,654,523	1,927,152	1,897,352	1,918,352	1,907,552	+253,029
Reserve Personnel, Marine Corps	471,200	557,883	553,983	554,383	553,983	+82,783
Reserve Personnel, Air Force	1,061,160	1,243,904	1,236,904	1,237,504	1,236,904	+175,744
National Guard Personnel, Army	4,041,695	5,128,988	5,070,188	5,128,588	5,114,588	+1,072,893
National Guard Personnel, Air Force	1,784,654	2,135,611	2,124,411	2,126,061	2,125,161	+340,507
Total, title I, Military Personnel	82,056,651	94,247,858	93,424,834	93,825,528	93,577,552	+11,520,901
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	22,335,074	23,961,173	23,942,768	24,048,107	23,992,082	+1,657,008
Operation and Maintenance, Navy	26,876,636	28,697,235	29,121,836	29,410,276	29,331,526	+2,454,890
Operation and Maintenance, Marine Corps	2,931,934	3,310,542	3,579,359	3,576,142	3,585,759	+653,825
Operation and Maintenance, Air Force	26,026,789	26,772,768	27,587,959	27,463,678	27,339,533	+1,312,744
Operation and Maintenance, Defense-Wide	12,773,270	14,169,258	14,850,377	14,527,853	14,773,506	+2,000,236
Operation and Maintenance, Army Reserve	1,771,246	1,880,110	1,976,710	1,963,710	1,970,180	+198,934
Operation and Maintenance, Navy Reserve	1,003,690	1,159,734	1,239,309	1,233,759	1,236,809	+233,119
Operation and Maintenance, Marine Corps Reserve	144,023	185,532	189,532	185,532	187,532	+43,509
Operation and Maintenance, Air Force Reserve	2,024,866	2,135,452	2,165,604	2,160,604	2,163,104	+138,238
Operation and Maintenance, Army National Guard	3,768,058	4,049,567	4,231,967	4,266,412	4,261,707	+493,649
Operation and Maintenance, Air National Guard	3,988,961	4,062,445	4,113,010	4,113,460	4,117,585	+128,624
Overseas Contingency Operations Transfer Fund 1/	50,000	50,000	---	50,000	5,000	-45,000
United States Court of Appeals for the Armed Forces	9,096	9,614	9,614	9,614	9,614	+518
Environmental Restoration, Army	389,800	395,900	395,900	395,900	395,900	+6,100
Environmental Restoration, Navy	257,517	256,948	256,948	256,948	256,948	-569
Environmental Restoration, Air Force	385,437	389,773	389,773	389,773	389,773	+4,336
Environmental Restoration, Defense-Wide	23,492	23,498	23,498	23,498	23,498	+6
Environmental Restoration, Formerly Used Defense Sites	222,255	212,102	212,102	252,102	246,102	+23,847
Overseas Humanitarian, Disaster, and Civic Aid	49,700	58,400	58,400	58,400	58,400	+8,700
Former Soviet Union Threat Reduction	---	416,700	416,700	416,700	416,700	+416,700
Support for International Sporting Competition,Defense	15,800	19,000	19,000	19,000	19,000	+3,200
Defense emergency response fund 2/	---	19,338,151	---	---	---	---
Total, title II, Operation and maintenance	105,047,644	131,553,902	114,780,366	114,821,468	114,780,258	+9,732,614

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,984,391	2,061,027	2,214,369	2,249,389	2,285,574	+301,183
Missile Procurement, Army	1,079,330	1,642,296	1,112,772	1,585,672	1,096,548	+17,218
Procurement of Weapons and Tracked Combat Vehicles, Army	2,193,746	2,248,558	2,248,358	2,242,058	2,266,508	+72,762
Procurement of Ammunition, Army	1,200,465	1,159,426	1,207,560	1,258,599	1,253,099	+52,634
Other Procurement, Army	4,183,736	5,168,453	6,017,380	5,783,439	5,874,674	+1,690,938
Aircraft Procurement, Navy	7,938,143	8,203,955	8,682,655	8,849,955	8,812,855	+874,712
Weapons Procurement, Navy	1,429,592	1,832,617	2,384,617	1,856,617	1,868,517	+438,925
Procurement of Ammunition, Navy and Marine Corps	461,399	1,015,152	1,167,130	1,169,152	1,165,730	+704,331
Shipbuilding and Conversion, Navy	9,490,039	8,191,194	8,127,694	9,151,393	9,032,837	-457,202
Other Procurement, Navy	4,270,976	4,347,024	4,631,299	4,500,710	4,612,910	+341,934
Procurement, Marine Corps	995,442	1,288,383	1,369,383	1,357,383	1,388,583	+393,141
Aircraft Procurement, Air Force	10,567,038	12,067,405	12,492,730	13,085,555	13,137,255	+2,570,217
Missile Procurement, Air Force	2,989,524	3,575,162	3,185,439	3,364,639	3,174,739	+185,215
Procurement of Ammunition, Air Force	866,644	1,133,864	1,290,764	1,281,864	1,288,164	+421,520
Other Procurement, Air Force	8,085,863	10,523,946	10,622,660	10,628,958	10,672,712	+2,586,849
Procurement, Defense-Wide	2,389,490	2,688,515	3,457,405	2,958,285	3,444,455	+1,054,965
National Guard and Reserve Equipment	699,130	---	---	130,000	100,000	-599,130
Defense Production Act Purchases	40,000	73,057	73,057	73,057	73,057	+33,057
Total, title III, Procurement	60,864,948	67,220,034	70,285,272	71,526,725	71,548,217	+10,683,269
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army 3/	7,106,074	6,820,333	7,447,160	7,410,168	7,669,656	+563,582
Research, Development, Test and Evaluation, Navy	11,498,506	12,496,065	13,562,218	13,275,735	13,946,085	+2,447,579
Research, Development, Test and Evaluation, Air Force	14,669,931	17,564,984	18,639,392	18,537,679	18,822,569	+4,152,638
Research, Development, Test and Evaluation, Defense-Wide	15,415,275	16,598,863	17,863,462	16,611,107	17,924,642	+2,509,367
Operational Test and Evaluation, Defense	231,855	222,054	242,054	302,554	245,554	+13,699
Total, title IV, Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	56,137,243	58,608,506	+9,686,865
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	1,312,986	1,499,656	1,832,956	1,784,956	1,784,956	+471,970
National Defense Sealift Fund: Ready Reserve Force	432,408	934,129	944,129	934,129	942,629	+510,221
Total, title V, Revolving and Management Funds	1,745,394	2,433,785	2,777,085	2,719,085	2,727,585	+982,191

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	17,659,475	14,234,041	13,916,791	14,283,041	14,100,386	-3,559,089
Procurement	267,915	278,742	283,743	284,242	284,242	+16,327
Research and development	463,804	67,214	400,214	394,214	458,914	-4,890
Total, Defense Health Program	18,391,194	14,579,997	14,600,748	14,961,497	14,843,542	-3,547,652
Chemical Agents & Munitions Destruction, Army:						
Operation and maintenance	739,020	974,238	974,238	974,238	974,238	+235,218
Procurement	164,158	213,278	213,278	213,278	213,278	+49,120
Research, development, test and evaluation	202,379	302,683	302,683	302,683	302,683	+100,304
Total, Chemical Agents	1,105,557	1,490,199	1,490,199	1,490,199	1,490,199	+384,642
Drug Interdiction and Counter-Drug Activities, Defense	842,581	848,907	859,907	916,107	881,907	+39,326
Office of the Inspector General	152,021	157,165	157,165	157,165	157,165	+5,144
Total, title VI, Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	17,524,968	17,372,813	-3,118,540
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	212,000	212,000	212,000	212,000	222,500	+10,500
Intelligence Community Management Account	160,429	147,754	162,254	122,754	163,479	+3,050
Transfer to Department of Justice	(42,752)	(34,100)	(34,100)	(34,100)	(34,100)	(-8,652)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	67,500	25,000	25,000	80,000	75,000	+7,500
National Security Education Trust Fund	8,000	8,000	8,000	8,000	8,000	---
Total, title VII, Related agencies	447,929	392,754	407,254	422,754	468,979	+21,050

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(2,000,000)	(2,000,000)	---
Additional 2002 transfer authority (Sec. 8005)	---	---	---	---	(500,000)	(+500,000)
Indian Financing Act incentives (Sec. 8021)	8,000	---	8,000	8,000	8,000	---
FFRDCs (Sec. 8029)	-40,000	---	---	-91,600	-74,200	-34,200
Disposal & lease of DOD real property (Sec. 8035)	19,000	29,730	29,730	29,730	29,730	+10,730
Overseas Mil Fac Invest Recovery (Sec. 8038)	3,362	---	1,000	1,000	1,000	-2,362
Rescissions (Sec. 8050)	-531,475	---	-192,932	-190,700	-402,750	+128,725
Excess Foreign Currency Cash Balance (Sec. 8082)	-240,000	---	-615,000	-338,000	-338,000	-98,000
Travel Cards (Sec. 8087)	8,000	10,000	10,000	10,000	10,000	+2,000
Defense Cooperation Account	---	5,000	5,000	---	---	---
United Service Organizations	8,500	---	---	---	---	-8,500
Transfer within SCN (Sec. 8101)	---	---	---	---	---	---
Transfers within SCN (Sec. 8125)	---	---	---	---	---	---
Government Purchase Card (Sec. 8103)	-100,000	---	-97,000	---	-97,000	+3,000
National D-Day Museum	4,250	---	---	---	---	-4,250
American Red Cross (Sec. 8129)	3,500	---	---	4,000	8,100	+4,600
Newmark	8,500	---	---	---	---	-8,500
Special needs students (Sec. 8108)	---	---	---	5,000	7,750	+7,750
Fisher House (Sec. 8099)	1,700	---	2,000	---	1,700	---
Zero emission steam technology demo	1,700	---	---	---	---	-1,700
CAAS/Contract Growth (Sec. 8100)	-1,650,000	---	-51,000	-850,000	-850,000	+800,000
Utilities	-105,000	---	---	---	---	+105,000
IT cost growth reduction (Sec. 8109)	---	---	---	-400,000	-400,000	-400,000
Tethered Aerostat Radar System	3,000	---	---	---	---	-3,000
Fairchild Air Force Base	6,000	---	---	---	---	-6,000
Coast Guard	---	---	---	300,000	---	---
Army Acquisition Restructuring	-5,000	---	---	---	---	+5,000
USS Alabama Museum Memorial	4,200	---	---	---	---	-4,200
Special Needs Learning Center	3,500	---	---	---	---	-3,500
Eisenhower Commission	2,600	---	---	---	---	-2,600
Travel cost growth (Sec. 8133)	-262,000	---	---	-59,260	-59,260	+202,740
Legislative liaison savings	-50,000	---	---	---	---	+50,000
Reserve Component Incentive and Bonus programs	10,000	---	---	---	---	-10,000
Fort Des Moines Memorial Grant	4,500	---	---	---	---	-4,500
Clear Radar Upgrade	8,000	---	---	---	---	-8,000
Defense Counter-Terrorism Fellowship prog	17,900	---	---	---	---	-17,900
Missile defense/counterterrorism	---	---	---	814,300	---	---
Revised economic assumptions reduction (Sec.8135)	---	---	---	-814,300	-1,674,000	-1,674,000
Padgett Thomas Barracks	15,000	---	---	---	---	-15,000
USS Intrepid Museum Memorial	4,250	---	---	---	---	-4,250
Armed Forces Retirement Home	5,200	---	---	---	---	-5,200
Working Capital Funds Cash Balance (Sec.8112)	---	---	-470,000	---	-120,000	-120,000
Working Capital Funds Excess Carryover (Sec. 8113)	---	---	-475,000	---	-48,000	-48,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8115)	---	---	4,000	---	3,400	+3,400
Army Venture Capital Funds (Sec. 8105)	---	---	17,000	---	17,000	+17,000
Total, title VIII, General Provisions	-2,832,813	44,730	-1,824,202	-1,571,830	-3,976,530	-1,143,717

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
TITLE IX						
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION						
Counter-Terrorism & Operational Response Transfer Fund	478,000	---	---	---	---	-478,000
Transfer to Department of Justice	(10,000)	---	---	---	---	(-10,000)
Former Soviet Union Threat Reduction	403,000	---	---	---	---	-403,000
Total, title IX, Counter-terrorism and Defense Against Weapons of Mass Destruction	881,000	---	---	---	---	-881,000
Total for the bill (net)	317,623,747	366,671,630	354,712,914	355,405,941	355,107,380	+37,483,633
OTHER APPROPRIATIONS						
Emergency Response Fund (PL 107-117)	3,395,600	---	---	---	---	-3,395,600
2002 Supplemental (PL 107-206) (emergency)	13,982,815	---	---	---	---	-13,982,815
2002 Supplemental (PL 107-206) (rescission)	-389,100	---	---	---	---	+389,100
2002 Supplemental (PL 107-206) (rescission of emergency funding)	-224,000	---	---	---	---	+224,000
Net grand total (including other appropriations)	334,389,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,718,318

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Stockpile collections (unappropriated)	-150,000	---	---	---	---	+150,000
O&M, Army transfer to National Park Service:						
Defense function	-1,000	---	---	---	---	+1,000
Nondefense function	1,000	---	---	---	---	-1,000
Disabled military retiree payments (mandatory)	55,000	55,000	55,000	55,000	55,000	---
Military personnel accounts (discretionary)	-55,000	-55,000	-55,000	-55,000	-55,000	---
	---	---	---	---	---	---
Total adjustments	-150,000	---	---	---	---	+150,000
Adjusted total (incl scorekeeping adjustments) 4/	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Appropriations	(335,159,637)	(366,671,630)	(354,905,846)	(355,596,641)	(355,510,130)	(+20,350,493)
Rescissions	(-920,575)	---	(-192,932)	(-190,700)	(-402,750)	(+517,825)
Total (including adjustments)	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Amount in this bill	(334,389,062)	(366,671,630)	(354,712,914)	(355,405,941)	(355,107,380)	(+20,718,318)
Scorekeeping adjustments	(-150,000)	---	---	---	---	(+150,000)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
Mandatory	267,000	267,000	267,000	267,000	277,500	+10,500
Discretionary	333,972,062	366,404,630	354,445,914	355,138,941	354,829,880	+20,857,818

Footnotes:

1. Budget amendment (H. Doc. 107-189) reduced Overseas Contingency Operations Transfer Fund by $2,632,000.
2. The FY 2003 budget request for the 'Defense Emergency Response Fund' was reduced by $716,849,000 and transferred to Military Construction.
3. Budget Amendment (H. Doc. 107-219) terminated the Army's Crusader artillery program of $475,609,000 and reallocated these funds to other R&D, Army programs.
4. The fiscal year 2003 budget request was adjusted to not include $3,412,561,000, the proposed cost to cover the accrued costs related to retirement benefits of Civil Service Retirement System employees and retiree health benefits for all civilian employees.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003 (H.R. 5010)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Title I - Military Personnel	82,056,651	94,247,858	93,424,834	93,825,528	93,577,552	+11,520,901
Title II - Operation and Maintenance	105,047,644	131,553,902	114,780,366	114,821,468	114,780,258	+9,732,614
Title III - Procurement	60,864,948	67,220,034	70,285,272	71,526,725	71,548,217	+10,683,269
Title IV - Research, Development, Test and Evaluation	48,921,641	53,702,299	57,754,286	56,137,243	58,608,506	+9,686,865
Title V - Revolving and Management Funds	1,745,394	2,433,785	2,777,085	2,719,085	2,727,585	+982,191
Title VI - Other Department of Defense Programs	20,491,353	17,076,268	17,108,019	17,524,968	17,372,813	-3,118,540
Title VII - Related agencies	447,929	392,754	407,254	422,754	468,979	+21,050
Title VIII - General provisions (net)	-2,832,813	44,730	-1,824,202	-1,571,830	-3,976,530	-1,143,717
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)	881,000	---	---	---	---	-881,000
Prior year outlays	---	---	---	---	---	---
Total, Department of Defense (in this bill)	317,623,747	366,671,630	354,712,914	355,405,941	355,107,380	+37,483,633
Other appropriations	16,765,315	---	---	---	---	-16,765,315
Total DoD funding available (net)	334,389,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,718,318
Scorekeeping adjustments	-150,000	---	---	---	---	+150,000
Total mandatory and discretionary	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318
RECAP BY FUNCTION						
Mandatory	267,000	267,000	267,000	267,000	277,500	+10,500
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	267,000	267,000	267,000	267,000	277,500	+10,500
Discretionary:						
General purpose discretionary:						
Defense discretionary	333,969,362	366,404,630	354,445,914	355,138,941	354,829,880	+20,860,518
Prior year outlays	---	---	---	---	---	---
Total, Defense discretionary	333,969,362	366,404,630	354,445,914	355,138,941	354,829,880	+20,860,518
Nondefense discretionary	2,700	---	---	---	---	-2,700
Prior year outlays	---	---	---	---	---	---
Total, Nondefense discretionary	2,700	---	---	---	---	-2,700
Total discretionary	333,972,062	366,404,630	354,445,914	355,138,941	354,829,880	+20,857,818
Grand total, mandatory and discretionary	334,239,062	366,671,630	354,712,914	355,405,941	355,107,380	+20,868,318

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have done the best that we can do with the amount of money that was appropriated to us.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for the conference report on H.R. 5010, the Defense appropriations bill for FY2003. This Member would like to offer particular thanks to the Chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS), and the Ranking Minority Member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA) for their work on this important bill.

Furthermore, this Member is very appreciative that the Committee has approved the appropriations of $3.5 million for a bioprocessing facility at the University of Nebraska-Lincoln (UNL). These funds will be used for the third phase of the project to establish and validate a current Good Manufacturing Practices (cGMP) processing facility with the capability to make vaccines as therapeutic countermeasures against biological warfare agents. Tow cGMP pilot plants, one dedicated to yeast/bacterial culture and the other dedicated to mammalian cell culture will be built within the new Chemical Engineering building on the UNL campus. The funds will be used to build and equip the laboratories.

This will be a commercial-grade facility, giving UNL the capability, if requested by the Department of Defense (DoD), to make vaccines against biological warfare agents and products that can be used as therapeutic countermeasures to treat people who have been exposed to biological agents. Currently, UNL is doing this on a smaller scale and, therefore, is well suited to pursue this expansion. This new facility certainly will enhance our nation's ability to respond to biological warfare.

This Member sincerely thanks the Committee on Appropriations for including $1.375 million in fiscal year 2003 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The $1.375 million appropriated in the conference report will assist with the development of the new courses and the modification of existing courses.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st Century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

In closing, Mr. Speaker, this Member urges his colleagues to vote in support of the conference report for H.R. 5010.

Mr. BLUMENAUER. Mr. Speaker, earlier today the House voted to authorize the President to unilaterally use force against Iraq. It's appropriate that we immediately follow the Iraq debate with the largest Department of Defense appropriations bill ever put before Congress. I did not support the Iraq resolution and I do not support spending $1 billion per day on a variety of wasteful programs, many of which do not improve the security of our nation.

The bill spends $355.1 billion; $35 billion more than the current level. The conference report is $395 million more than what we passed in the House in June. Unfortunately, $7.4 billion of this conference report is for a misguided missile defense system, which will do nothing to protect us against terrorists like Osama bin Laden. At this critical time in our nation's struggle against terrorism, we must spend our resources on America's immediate defense needs. Missile defense is not among them.

In addition, this bill supports a controversial plan to lease as many as 100 Boeing 767 aircraft for the Pentagon. Leasing, rather than buying the aircraft will cost taxpayers more money in the long term. There are some aspects of this bill that I find encouraging. The bill provides no funds for the outmoded Crusader mobile howitzer, a weapons system designed for a war from an age long past. Providing an additional $368 million for work on a lighter and more flexible weapons system is more appropriate.

The bottom line is that we are spending almost a billion dollars a day on programs that do not do all they should to protect our country from threats to its national security.

Ms. KAPTUR. Mr. Speaker, for our nation to have a strong defense capability, we need to make certain that critical manufacturing capacity and skills are maintained. Some of the most vital are tool and die, mold making and precision machining. They represent the first step in manufacturing. These companies are family owned businesses located in every state of the union. They are characterized by highly skilled employees that provide the economic bedrock of our defense industrial base.

Many of America's small businesses that offer this capability to our defense infrastructure are closing their doors due to economic difficulties caused by the current economic recession facing our manufacturing industry. The National Tooling and Machining Association has stated that over 400 companies have closed since January of this year. We often find that prime contractors are subcontracting with foreign firms rather than American businesses. If steps are not taken now to assess and correct the situation, America may find itself without these critical capabilities and skills. As was learned in the West Coast dock work stoppage, some parts that are required by the U.S. military were unavailable. This situation highlights an important decision we must make. If we do not take steps immediately, our country will lose the capability to produce the parts that are needed to protect our country.

I appreciate the commitments I have received from the distinguished chairman and ranking member to work with us to secure within 60 days from the Department of Defense a report regarding what steps can be taken to increase procurement, development of contracts, and subcontracts, with these vital American small businesses.

Mr. HAYES. Mr. Speaker, I rise in support of the rule that will allow for consideration of H.R. 5010, the defense appropriations bill for fiscal year 2003. The tragic events of just over a year ago, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do; and today the United States Congress has a duty to pass this important legislation that will help provide the necessary resources for these brave men and women to do their job.

This legislation first and foremost takes care of our most vital asset in the military, our people. It provides every servicemember with a 4.1 percent pay raise. The legislation gives our military personnel the necessary resources to do their job. It fully funds budgeted increases in steaming, flying, and training hours and resources needed for increases for spare parts and real property maintenance. For the soldiers and airmen in my district at Fort Bragg and Pope Air Force Base, the ability to adequately care for their families and train for the mission for which they are called are the two issues which are second to none. I believe this legislation builds upon our work from last year, continuing to reverse the decline of military readiness by funding key operations, maintenance, and training accounts. This financial support devoted to our national security is long in coming. We must adequately provide the men and women from Fort Bragg and Pope Air Force Base and all of our military personnel who are currently prosecuting the war on terrorism adequate and necessary resources to do their job.

I would like to specifically mention that this bill provides some funding for some key capabilities for our U.S. Special Forces, many of whom make their home in my district at Ft. Bragg, NC. While they, alongside members from all our Armed Forces, serve in Afghanistan and all over the world today, we show our support by providing the funding necessary to effectively and safely do their job. The $355.1 billion we are voting on today will help do that. It is targeted at two of the most critical areas crucial to maintaining a quality of life and readiness. Furthermore, this legislation funds important projects in research and development, such as the optoelectronics program just getting underway in my district at the University of North Carolina at Charlotte.

Mr. Speaker, it is gross injustice and misfortune that it took the tragedy in September to focus the public eye on the need for a more robust defense budget; but I feel the legislation in front of us takes that step, and the rule provides for its consideration. I urge Members to vote strongly in favor of the rule and the final legislation.

Mr. BENTSEN. Mr. Speaker, I rise in support of this Conference Report, which provides $355.1 billion in new discretionary spending authority to the Department of Defense, a very necessary increase of $37.5 billion over Fiscal Year 2002 spending levels. As our Nation confronts the security challenges facing us, we must ensure that adequate and secure funding is provided for our armed forces to confront these challenges swiftly and effectively. I am pleased that this legislation provides not only the material resources to continue our vigilant efforts in the war on terrorism, but also provides the necessary funding towards an improved quality of life for our men and women in uniform.

Mr. Speaker, I do continue to have concerns about the implications of passing this legislation ahead of other appropriations bills, and the possibility that funding for other necessary appropriations bills may be marginalized. At a time when our Nation's economy is weak and our citizens have paid the price, Congress must refrain from politics in the appropriations of the government's limited funds. I am pleased that this Conference Report reflects that which our Nation's security demands: a large increase in foreign intelligence spending, increased funding for the strategic mobility or armed forces need to deploy swiftly in forward engagements, and increased funding to confront the threat of unconventional nuclear, biological, and chemical threats. I believe this legislation provides the appropriate and responsible increases in Department of Defense funding that will assist our armed forces in confronting the unanticipated demands in the global fight against terror.

I am pleased that this conference report includes funding for three initiatives which I have long supported to protect the lives of the people of this Nation. Of particular interest is the funding of $11 million for the Texas Training and Technology for Trauma and Terrorism (T5) program at the University of Texas Health Science Center at Houston (UTHSC). The T5 program is a continuation of the successful Disaster Relief and Emergency Medical Services (DREAMS) program at UTHSC. The goal of the T5 project is to identify the best ways of protecting Houston, or any other city, from the morbidity, mortality and cost of terrorism and other disasters. The project will consist of several components including creating digital emergency medical services to patients who are linked by mobile wireless video, establishing a Center for Disaster Preparedness at the University of Texas School of Public Health, developing hand-held software called Responder to enable first responders to have at their fingertips critical information including the local fire department, State, local, and Federal authorities, and establishing a high-security building at the University of Texas Research Park for isolation, decontamination, and triage center for public health and bioterrorism threats.

The second project will provide $9 million for the Biology, Education, Screening, Chemoprevention and Treatment (BESCT) lung cancer research program at the University of Texas M.D. Anderson Cancer Center at the Texas Medical Center in Houston, Texas. This is the fourth installment in my five-year effort to expand medical research on lung cancer. Lung cancer claims the lives of more than 160,000 each year and is devastating to the families who are affected by this disease. For many lung cancer patients, there are not adequate treatments to cure the disease. The five-year survival rate for lung cancer is less than 15 percent. This $9 million in research will build upon the $15 million that Congress has already provided to the UT M.D. Anderson Cancer Center will have the funds necessary to help save lies and reduce health care costs.

The third project will provide $750,000 for a joint chiropractic health initiative between the 147th Fighter Squadron at Ellington Field and Texas Chiropractic College in Pasadena, Texas. This funding will allow Moody Clinic at Texas Chiropractic College to provide the men and women of the 147th Fighter Squadron with new diagnostic imaging assets and other tools that will enhance the chiropractic, pain management, and related health services available to them. This funding will be matched by private sector donations and will help active duty personnel to obtain chiropractic care in accordance with current law. Many active duty personnel will for the first time have access to chiropractic services which have been shown to be cost effective and helpful to improve productivity of personnel.

I urge my colleagues to support this conference report to ensure that we provide adequate Federal funding to defend our Nation and to ensure that our Nation's armed forces received the necessary benefits which they deserve.

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

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 14, not voting 8, as follows:

[Roll No. 457]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Blumenauer
Filner
Frank
Jackson (IL)
Kucinich
Lee
Lewis (GA)
McDermott
Oberstar
Paul
Payne
Waters
Watt (NC)
Woolsey

NOT VOTING—8

Baldacci
Bonior
Cooksey
Coyne
McKinney
Ortiz
Roukema
Stump

□ 1625

Mr. KUCINICH changed his vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. Res. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–739) on the resolution (H. Res. 580) providing for consideration of the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule waives all points of order against the conference report to accompany H.R. 5011, Military Construction Appropriations Act of Fiscal Year 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, I find this bill very timely and of the utmost importance since this morning the House voted to authorize the use of the United States Armed Forces against Iraq. We are asking a lot of our military today. Our military personnel on active duty know that they may very well be deployed overseas and perhaps on dangerous missions. So we want to provide them a quality of life for themselves and for their families that will allow them to serve, knowing that their families will be taken care of in good housing and with good health care.

□ 1630

H.R. 5011 recognizes the dedication and commitment of our troops by providing for their most basic needs, improved military facilities, including housing and medical facilities.

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Forces. We must ensure reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces. Most importantly, we must do all in our power to ensure a strong, able, dedicated American military so that this Nation may stay ever vigilant, ever prepared.

H.R. 5011 provides nearly $1.2 billion for barracks and $151 million for hospital and medical facilities for troops and their families. It also provides $2.87 billion to operate and maintain existing housing units and $1.34 billion for new housing units.

Military families also have a tremendous need for quality child care, as do other people in the country, especially single parents and families in which one or both parents may face lengthy deployments. To help meet this need, the bill provides $18 million for child development centers.

Mr. Speaker, earlier today we passed the resolution to authorize the President to use military force against Iraq, if necessary, so now it is time for Congress to keep its promise to our Armed Forces. To that end, I urge my colleagues to support this rule and to support the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my friend for yielding me the customary 30 minutes.

Mr. Speaker, we have before us a fair rule for the consideration of the Military Construction Appropriations Conference Report for Fiscal Year 2003. The rule provides for one hour of general debate, and waives all points of order against consideration of the bill. I urge my colleagues to vote for the rule.

I would like to express my appreciation for the work of the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER) of the Subcommittee on Military Construction, along with Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for continuing the tradition of strong bipartisan support in the drafting of the military construction appropriations bill.

While there were some difficulties in negotiating this usually noncontroversial bill, both Chambers were able to resolve the differences and we now have a compromise conference report.

This is a very difficult year for the Committee on Appropriations; and I commend the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for bringing to this House a very fine bill, given the limited amount of funds allocated for military construction needs.

This conference report provides $400 million more than the bill this body approved on June 27; and, although this funding level is better than the original bill, the total funding for these important military construction programs is still less than fiscal year 2002 levels. Frankly, Mr. Speaker, this bill is woefully inadequate; and the men and women who serve in our Armed Forces deserve much better.

However, this final product is an improvement over the original House bill; and I urge the adoption of this rule and the conference report.

Mr. Speaker, I wish I could stand here and say that with the adoption of this bill our appropriation work is done. Far from it. The simple fact of the matter is that the leadership of this House has failed to do its job. Out of 13 appropriations bills, this House is going to skip town having completed work on exactly two, two for 13. That is a batting average of .154, which does not even cut it in Little League. It is terrible, it is outrageous, and the American people should know that this Congress did not meet its responsibilities.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, let me say I rise to support this rule and previously rose by way of my vote to support the defense appropriations and the rule. I thank the Chair Mr. HOBSON and ranking member Mr. OLVER for their good work.

However, it is interesting that we would discuss this particular rule in the shadow of our recent vote dealing with the question of the decision of whether or not this Nation should go to war. I do believe that it is important for those of us who support our United States military to ensure better housing conditions and better pay and improve their quality of life issues, should make it very clear—we are concerned about a strong military.

Just recently, I was able to travel to Guantanamo Bay. I have seen the work that we do to enhance the living conditions of our troops, and I do want to thank the committee whose responsibility it is to do that.

Likewise, having recently returned from Afghanistan, I saw the frontline troops doing their job. That is why I

think it is very important that, as we leave this body, that we realize that those of us who had a differing opinion on the question of going to war realize the sacred responsibility that we had and realize that, as the President is the Commander-in-Chief, that we who might have opposition stand with the people of the United States to ensure our security, but, at the same time, reflect upon the importance of the Constitution that says only Congress can declare war.

We stand ready to fight terrorism, but I think it is very important for the American people to be wise and aware that we can find a way to resolve these matters with our frontline troops being strong and ready by continuing diplomacy first and working with the United Nations Security Council and not giving the authority of first strike to the Commander-in-Chief without the authorization under the Constitution that we have to declare war.

This is an important admonition. It is not stepping away from our responsibilities. It is not fear, for I look fear in the eye, and I will stand against it. It is not a fear of fighting terrorism, for I look terrorism in the eye and will fight against it. But it is a recognition of my sacred duty and responsibility to declare my standing with saving the lives of young men and women who offer themselves to fight for our freedom and justice in the United States military.

We will go off to our respective districts and each of us will have cast a vote of conscience. I believe that each of us should be respected as patriots and Americans, realizing that we have made a decision on the facts at hand. But it cannot be denied that the Constitution was written by our Founding Fathers for us not to be silent. It was written to be the underpinnings of democracy. So that as we look to give guidance to this Nation, we can be thankful for those who serve us in the United States military, but, as well, Mr. Speaker, as I close, we can say thank you, but, as well, we can stand for saving the lives of the young men and women in the military because it is a question of life and death—that's why it is our duty as Members of Congress to make decisions of war on fact and constitutional grounds.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to its gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of this legislation. Thanks to my colleague, the gentleman from Ohio (Mr. HOBSON), I have had an opportunity in the time that I have been in the U.S. Congress to visit a number of military bases; and I have been totally impressed with the people that I have had an opportunity to meet. It is so very, very important, having met them, that they have sufficient housing to live at least the kind of life that many of us are able to have in our own homes across this country.

I was surprised when I went to a couple of bases when I saw the schools. I saw schools that looked like many other schools that existed in the 1960s when I was in school. The kids were still going to school in the trailer houses that, unfortunately, have become permanent schoolhouses for many of these young people. I think it is important that, as we move forward, we assure the young people across this country that we are going to be supportive of them in all that they do.

I have a number of friends who have children who are now of age and are serving in military operations across this world, and I want to be able to assure my friends and their grandparents, who are the friends of my mother and father, that the young people we send out on our behalf are well taken care of. So I rise in support of this legislation, having seen some of the things we have been able to do.

If I get too far along, I may be talking out of school, but we are moving from one-plus-one or two-plus-two or whatever the living arrangements for the military are right now.

I want to congratulate the gentleman from Massachusetts (Mr. OLVER), who I also had a chance to visit some of these facilities with, and my good friend the gentleman from Ohio (Mr. HOBSON), on the great work they have done.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just close by again congratulating the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their great work on this bill.

I would again urge the leadership of this House to move out of the way and let the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), do what so many of us want them to do and what the people of this country want them to do, and that is finish the appropriations bills.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 5011, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 5011, MILITARY CONSTRUCTION APPROPRIATION ACT, 2003

Mr. HOBSON. Pursuant to the rule just adopted, I call up the conference reported to accompany the bill, (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 578, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 9, 2002, at page H7345.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good bill. I urge its adoption.

Mr. Speaker, I include the following for the RECORD:

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Army	1,778,256	1,450,438	1,414,557	1,456,747	1,472,022	-306,234
Defense emergency response fund (DERF)	---	222,465	100,000	222,465	211,688	+211,688
Subtotal	1,778,256	1,672,903	1,514,557	1,679,212	1,683,710	-94,546
Rescission	-36,400	---	-18,676	-13,676	-49,376	-12,976
Emergency appropriations (P.L. 107-117)	20,700	---	---	---	---	-20,700
Total	1,762,556	1,672,903	1,495,881	1,665,536	1,634,334	-128,222
Military construction, Navy	1,144,221	884,661	1,036,335	995,913	1,095,698	-48,523
Defense emergency response fund (DERF)	---	220,730	209,430	220,730	209,430	+209,430
Subtotal	1,144,221	1,105,391	1,245,765	1,216,643	1,305,128	+160,907
Rescission	-19,588	---	-1,340	-1,340	-1,340	+18,248
Emergency appropriations (P.L. 107-117)	2,000	---	---	---	---	-2,000
Total	1,126,633	1,105,391	1,244,425	1,215,303	1,303,788	+177,155
Military construction, Air Force	1,194,880	644,090	783,705	987,320	891,650	-303,230
Defense emergency response fund (DERF)	---	190,597	180,597	188,297	188,597	+188,597
Subtotal	1,194,880	834,687	964,302	1,175,617	1,080,247	-114,633
Rescission	-4,000	---	-10,281	-10,281	-13,281	-9,281
Emergency appropriations (P.L. 107-117)	46,700	---	---	---	---	-46,700
Total	1,237,580	834,687	954,021	1,165,336	1,066,966	-170,614
Military construction, Defense-wide	840,558	740,535	876,366	895,942	841,345	+787
Defense emergency response fund (DERF)	---	31,300	24,700	31,300	33,300	+33,300
Subtotal	840,558	771,835	901,066	927,242	874,645	+34,087
Rescissions	-69,280	---	-2,976	-2,976	-2,976	+66,304
Emergency appropriations (P.L. 107-117)	35,000	---	---	---	---	-35,000
Total	806,278	771,835	898,090	924,266	871,669	+65,391
Total, Active components	4,933,047	4,384,816	4,592,417	4,970,441	4,876,757	-56,290
Military construction, Army National Guard	405,565	101,595	159,672	208,482	241,377	-164,188
Military construction, Air National Guard	253,386	53,473	110,680	209,055	194,880	-58,506
Defense emergency response fund (DERF)	---	8,933	8,933	8,933	8,933	+8,933
Total	253,386	62,406	119,613	217,988	203,813	-49,573
Military construction, Army Reserve	167,019	58,779	99,059	66,487	100,554	-66,465

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Military construction, Naval Reserve	53,201	51,554	68,704	51,554	67,804	+14,603
Defense emergency response fund (DERF)	---	7,117	7,117	7,117	7,117	+7,117
Rescission	-925	---	---	---	---	+925
Total	52,276	58,671	75,821	58,671	74,921	+22,645
Military construction, Air Force Reserve	74,857	31,900	69,200	54,633	63,650	-11,207
Defense emergency response fund (DERF)	---	6,076	6,076	3,576	3,576	+3,576
Total	74,857	37,976	75,276	58,209	67,226	-7,631
Total, Reserve components	953,103	319,427	529,441	609,837	687,891	-265,212
Total, Military construction	5,886,150	4,704,243	5,121,858	5,580,278	5,564,648	-321,502
Appropriations	(5,911,943)	(4,017,025)	(4,618,278)	(4,926,133)	(4,968,980)	(-942,963)
Defense emergency response fund	---	(687,218)	(536,853)	(682,418)	(662,641)	(+662,641)
Emergency appropriations	(104,400)	---	---	---	---	(-104,400)
Rescissions	(-130,193)	---	(-33,273)	(-28,273)	(-66,973)	(+63,220)
North Atlantic Treaty Organization Security Investment Program	162,600	168,200	168,200	168,200	167,200	+4,600
Family housing, Army:						
Construction	312,742	283,346	283,346	282,856	280,356	-32,386
Rescission	---	---	-4,920	-4,920	-4,920	-4,920
Operation and maintenance	1,089,573	1,119,007	1,119,007	1,119,007	1,106,007	+16,434
Total, Family housing, Army	1,402,315	1,402,353	1,397,433	1,396,943	1,381,443	-20,872
Family housing, Navy and Marine Corps:						
Construction	331,780	375,700	380,268	374,468	376,468	+44,688
Rescission	---	---	-2,652	-2,652	-2,652	-2,652
Operation and maintenance	910,095	867,788	867,788	867,788	861,788	-48,307
Total, Family housing, Navy and Marine Corps	1,241,875	1,243,488	1,245,404	1,239,604	1,235,604	-6,271
Family housing, Air Force:						
Construction	550,703	676,694	689,824	676,694	684,824	+134,121
Rescission	---	---	-8,782	-8,782	-8,782	-8,782
Operation and maintenance	844,715	844,419	844,419	844,419	833,419	-11,296
Defense emergency response fund (DERF)	---	29,631	29,631	29,631	29,631	+29,631
Total, Family housing, Air Force	1,395,418	1,550,744	1,555,092	1,541,962	1,539,092	+143,674

MILITARY CONSTRUCTION, FY 2003 (H.R. 5011)
(Amounts in thousands)

	FY 2002 Enacted	FY 2003 Request	House	Senate	Conference	Conference vs. Enacted
Family housing, Defense-wide:						
Construction	250	5,480	5,480	5,480	5,480	+5,230
Operation and maintenance	43,762	42,395	42,395	42,395	42,395	-1,367
Total, Family housing, Defense-wide	44,012	47,875	47,875	47,875	47,875	+3,863
Department of Defense Family Housing Improvement Fund	2,000	2,000	2,000	2,000	2,000	---
Homeowners assistance fund, Defense	10,119	---	---	---	---	-10,119
(By transfer)	(7,730)	---	---	---	---	(-7,730)
Total, Family housing	4,095,739	4,246,460	4,247,804	4,228,384	4,206,014	+110,275
Base realignment and closure account	632,713	545,138	545,138	645,138	561,138	-71,575
(Transfer out)	(-7,730)	---	---	---	---	(+7,730)
Total	632,713	545,138	545,138	645,138	561,138	-71,575
GENERAL PROVISIONS						
General provision (sec. 130)	-60,000	---	---	---	---	+60,000
General provision (sec. 132)	-112,802	---	---	---	---	+112,802
Total, General provisions	-172,802	---	---	---	---	+172,802
Grand total:						
New budget (obligational) authority	10,604,400	9,664,041	10,083,000	10,622,000	10,499,000	-105,400
Appropriations	(10,630,193)	(8,947,192)	(9,566,143)	(9,954,578)	(9,890,055)	(-740,138)
Defense emergency response fund	---	(716,849)	(566,484)	(712,049)	(692,272)	(+692,272)
Emergency appropriations	(104,400)	---	---	---	---	(-104,400)
Rescissions	(-130,193)	---	(-49,627)	(-44,627)	(-83,327)	(+46,866)
(Transfer out)	(-7,730)	---	---	---	---	(+7,730)
(By transfer)	(7,730)	---	---	---	---	(-7,730)

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding back my time, I want to thank all the conferees for their efforts in reaching this agreement, but especially our chairman, the gentleman from Ohio (Mr. HOBSON). The two bills had very significant differences, and he has led us to a fair resolution that I think all of us can support.

Mr. Speaker, I want also to thank the committee staff from both sides of the aisle who have worked so hard to put this bill together: Valerie Baldwin, Brian Potts, Mary Arnold, Luis James, and, of course, Tom Forhan, on our side. Working together, they crafted an agreement that we can all support.

I urge Members to vote ''yes'' on this conference report.

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

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to thank, in addition to the other people, Luis James, our detailee.

Mr. BLUMENAUER. Mr. Speaker, today I vote in support of the Military Construction Conference Report, H.R. 5011. I am encouraged that the conference report provides $835 million more than the Administration requested for barracks construction, family housing, medical facilities, and environmental clean up.

I am especially pleased that this conference report includes $561 million for the Defense Department's Base Realignment and Closure program, which is $16 million more than what we passed in the House earlier this summer. I am disappointed that the Conference Committee could not support the Senate's request for $645 million, but what we have is a good step. This increase will help the Department meet its environmental restoration and reuse commitments.

I would also like to express my appreciation to Chairman HOBSON, Ranking Member OLVER and Mr. FARR on the House Committee for focusing on one aspect of the military construction budget that deals with the problem of unexploded ordnance, the bombs and shells and military toxins, that have been left over and littered across the landscape of this country. I thank them for their foresight and leadership in bringing this issue front and center.

Mr. HAYES. Mr. Speaker, today, I rise in support of the rule that will allow for consideration of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003. This bill provides $10.08 billion for military construction projects. Providing adequate housing and facilities for our men and women in uniform enables them to do their job. This bill provides $5.41 billion for safe and secure housing, allowing servicemen and women to know that their families are out of harm's way while they are deployed or serving our country overseas. This assurance is a key component of our nation's military readiness and today we take steps to further improve and make adequate the housing and facilities of our military families.

Mr. Speaker, I would like to highlight a significant component of the Milcon Appropriations Bill that will help all soldiers at Ft. Bragg, in my district in NC. Since I came to Congress, I have been working to secure funds for the Soldier Support Center at Ft. Bragg. This center, to be named in honor of General Hugh Shelton, currently recovering from a spinal cord injury, will provide a one-stop in and out-processing facility for soldiers at Ft. Bragg. Today we take the first step in providing the first half of the funding for this important resource for the epicenter of the universe, Ft. Bragg, North Carolina.

The tragic events of September 11, 2001 have thrust our nation's military into the spotlight, and called to duty the brave men and women of the U.S. Armed Forces. Once again U.S. citizens are rallying behind them, in strong support of the harrowing mission they have been called upon to do, and today the U.S. Congress has the duty to pass the Military Construction Appropriations Bill for fiscal year 2003, and the Rule that provides for its consideration, that will help provide the necessary resources and security for these brave men and women to do their job.

I urge my colleagues to vote in favor of the rule and in favor of H.R. 5011, the Military Construction Appropriations Bill for fiscal year 2003.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 458]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Bonior
Cooksey
Coyne
Diaz-Balart
Ortiz

Paul	Roukema	Stump
Reyes	Slaughter	Towns

□ 1710

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.J. Res. 122, FURTHER CONTINUING APPROPRIATIONS, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is, Will the House now consider House Resolution 580.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 580.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 580 is a closed rule providing for the consideration of House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

The rule provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution, and provides one motion to recommit.

Mr. Speaker, House Joint Resolution 122 makes further continuing appropriations for the fiscal year 2003 and provides for funding at current levels. We had agreed in the Committee on Rules that this would be through November 22.

At the conclusion of the debate on this, by consent on both sides there will be an amendment offered to change that date of November 22 to October 18, 2000, a week from tomorrow. This measure is necessary in order that all necessary and vital functions of government may continue uninterrupted until Congress completes the work on the spending measures for the next fiscal year.

Mr. Speaker, I urge my colleagues to pass the rule, as we will amend it, and of course the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the Members here in the Chamber and Members watching this on television in their offices are a little confused, there is very good reason that they should be confused. Let me kind of review the bidding here, what has gone on today.

Mr. Speaker, the Republican leadership is in a total and utter state of disarray and denial.

□ 1715

First today we were told, well, there would be a continuing resolution until next week, until October 18. And then, no, they changed their minds; and it was going to be a continuing resolution until November 22. Now, apparently they have changed their minds again and now the resolution is going to be until October 18, which is next week.

The question really is, Why are they doing this? Why can they not decide to let the House work its will on the appropriations bills? Why do they say one thing to Members at one moment, another thing 5 minutes later, another thing another 10 minutes later?

This is a disgrace, a disgrace, Mr. Speaker.

Mr. Speaker, on September 30 the fiscal year ended, and the deadline passed for House Republicans to do their most basic job, passing the appropriations bills to fund priorities like education and health care. In the 10 days since then, the stock market has dropped to a 5-year low, and we have learned that another 417,000 Americans filed unemployment claims at the end of last month.

By stubbornly refusing to do their jobs they are getting paid to do, the Republican leaders are hurting the millions of Americans who are busy looking for work. This House has failed to fund important initiatives in education, health care, and other key priorities.

Well, here we go again, Mr. Speaker. Republicans are still fiddling while America's economy burns. So in a few minutes we will vote on a continuing resolution that was November 22. Now it is October 18. Who knows what it will be an hour from now.

Republican leaders want this CR so they can hide evidence of their fiscal mismanagement. It is the same cynical strategy they are using to hide their secret plan to privatize Social Security.

Mr. Speaker, why will Republicans not be honest with the American people? Not too long ago they insisted that Congress had to vote on an Iraq resolution before the election. As the President himself said, and I quote, ''I cannot imagine an elected United States, elected Members of the United States Senate or House of Representatives saying, 'I think I am going to wait for the United Nations to make a decision.' ''

To paraphrase the President, I cannot imagine being a House Republican who has presiding over this failed economy and saying, I am not going to do anything about it. Because that is exactly what House Republicans are going to do, postpone action on important domestic and economic issues. They are desperate to hide their failed economic policies and dangerous Social Security plan from the voters. But they cannot hide the truth.

The Republicans' refusal to govern is hurting American priorities from the economy to education. In a recent memo to the Speaker, the chairman of the Committee on Appropriations outlined just how harmful this refusal to govern is. According to the gentleman from Florida (Chairman YOUNG), ''A long-term continuing resolution would have disastrous impacts on the war on terror, homeland security and other important government responsibilities.''

The gentleman's memo pointed out that a long-term CR, and we do not know how they define long term, is it a week, is it a month, that a long-term CR would undermine the war on terror by denying nearly $40 billion in additional homeland security funds requested by the President. It would short change our veterans by funding VA medical care at 2.5 billion less than what is needed to meet their needs, and would hurt our children's education by underfunding Pell grants by nearly $1 billion.

Mr. Speaker, Republicans' failed economic policies have driven America into a huge deficit ditch that poses a grave threat to Social Security and other priorities like education, prescription drugs, and homeland security. So Republican leaders hope that by refusing to fund the government no one will notice the fiscal straitjacket they have put the country in.

The shell game is most obvious on education. Many Republican Members want to go home to tout their bipartisan No Child Left Behind Act we passed with so much fanfare last year; but they refuse to actually provide schools with the resources they need to carry out the reforms Congress mandated. Indeed, the bill funding the Departments of Labor, Education and Health and Human Services backed by most Republican Members would gut education and other priorities, and

that is why they do not want to bring it to the floor.

Mr. Speaker, it is time to be straight with the American people and start digging out of this fiscal ditch. That will require Republicans owning up to the disaster they have made of the Federal budget. For that reason, Members are going to be called on in just a moment. We will have very serious questions about this particular continuing resolution.

Mr. Speaker, the American people deserve honesty from the Republicans on critical domestic issues. There is no excuse for this House putting off its most basic work. The economy is weak, prescription drugs are still sky high, the budget is back in deficit, and many Republicans want to privatize Social Security.

It is time to quit playing politics. It is time to get back to doing the American people's business and to actually pass appropriations bills rather than this shell game of ''Maybe we have a one week CR, maybe we have a one month CR. Gee, we do not know. We just want to leave so we can go home and campaign.''

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, what now? We have since Labor Day focused almost exclusively on Iraq, Iraq, and then Iraq. And then Iraq. We have now finally finished that business.

And the average American family is sitting home and they are saying, ''You know, I wonder when those guys and gals are going to get around to doing the stuff that deals with our family security. I wonder when they are going to get around to dealing with unemployment. I wonder when they are going to get around to dealing with the fact that people are losing their shirts in their 401(k)'s, their now 101(k)'s.'' And they are asking, ''I wonder when they are going to get around to protecting the integrity of our pension plans from corporate marauders. And I wonder when they are going to get around to dealing with the fact that a lot of Americans have lost their health insurance in the last year.''

I do not understand this institution's reaction. I know virtually every Member of this House, some a lot more than others. And I know that when I talk to each and every one of you that you are, individually, people of good will who want to solve the country's problems. But when you get together, the collective result of that individual talent and concern is disastrous. Because instead of producing a determination to attack problems, what apparently is produced is a determination to avoid them.

Now, the gentleman from Texas (Mr. FROST) has described the confusion on the Republican side of the aisle today. Here is what I think is at the root of that confusion. You have passed a budget resolution at the beginning of the year that told fibs. It pretended that you could hold education spending to a level that would stop and grind to a halt the progress we have made in expanding investments in education over the past 5 years.

You pretended you could afford a health care budget which cuts a billion and a half dollars out of health care services to the American people. And you have pretended a lot of other things, and now those pretensions are coming home to roost. And so the leadership is trying to figure out how they can get out of town without having to face up to those irreconcilable contradictions. And so their original game plan today was to have a continuing resolution that puts us over until November 22, after the election, conveniently putting aside until after the election all issues.

The administration, which has made so much of its desire to see accountability in our schools, is doing as much as it can possibly do to avoid accountability for each and every one of us in our stewardship. And so what happened in the Republican Caucus is that some of the Members got a little ditsy, and they said, ''Gee whiz,'' some Members said for instance, ''You mean we are going to go home without dealing with the drought? Gee, we want more time to deal with the drought.''

So all of the sudden the November 22 date is changed to next week because the leadership still has not figured out how to resolve that because they have a problem. Because while some of their Members want to attack the drought problem, their President, our President, has already said that he is going to veto a bill which pays for those drought expenses. So they have that problem.

Then they have the huge problem of wanting to hide from their constituents the fact that they were bringing progress in education investments to a screeching halt. They have their votes from the No Child Left Behind Act which promised all kinds of progress on teacher training, on handicapped education, on education for kids who need help with language skills. They have that vote, but the problem is that bill does not deliver the money. The appropriation bill that delivers the money is being bottled up because they do not want to have to admit that they are not going to provide the money to fund the promises they made just a few months ago. So as a result this place looks silly.

We have done our dead-level best as an institution to try to deal with the challenges facing us in Iraq. We ought to turn to those same challenges at home. This continuing resolution does not allow us to do that. I will, therefore, vote against it. I am against any continuing resolutions that are more than one or two days at a time. When I see that the majority has scheduled action on education and on health care, I will vote for them and not until.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, less than 40 minutes ago we were in the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), myself, all of us were there to pass a rule. We passed a rule. The gentleman from Florida (Mr. YOUNG) was there. The ranking member, the gentleman from Wisconsin (Mr. OBEY) was there. We passed a rule that allowed that we would have a continuing resolution until the 22nd of November.

I came down here to the floor of the House and began talking with Members indicating that we would have the CR until the 22nd, and lo and behold, telling them that it is distinctly possible that we may be back next week or at some other point in time; but then I hear the Clerk read and the gentleman from Washington (Mr. HASTINGS) stand up and say that it has changed.

What has happened in this institution? Do we have a phantom Committee on Rules somewhere? Why is it that I continue to go upstairs thinking that I am participating in a process of importance?

Somewhere along the lines we are losing our rudder; and we have things that need to be done, and Republicans need to do it and Democrats need to do it. Liberals need to do it, and conservatives need to do it on behalf of this country. We cannot continue down this path.

Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Maryland (Mr. HOYER), my very good friend.

□ 1730

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding me the time. I want to speak on the substance, but I want to spend 30 seconds on the process.

I want to tell those of my colleagues who were not here prior to 1994 that their side of the aisle was regularly outraged at procedures that were pursued, none of which were as egregious as some of the process that we are confronted with. I do not believe this is a process that anybody on the Committee on Appropriations would sanction, on either side of the aisle. The gentleman from Florida (Mr. HASTINGS) is absolutely correct, and I join him in those comments.

Mr. Speaker, I will be the first to admit this House can point to real legislative accomplishments this week. We considered our most solemn duty, a resolution authorizing our Commander-in-Chief to use our Armed Forces. We finally passed two appropriations conference reports; two down, 11 to go. We will soon take up landmark election reform legislation, the Help America Vote Act of 2002.

But, Mr. Speaker, one week does not a session make.

There is little doubt that the preceding 5 weeks were anything but an evasion of leadership and responsibility. While we bobbed and weaved, the American people took it on the chin again and again and again.

The unemployment rate showed a tiny reduction from 5.7 to 5.6 percent from August to September, but it still was far above the rate of 3.9 percent in October, 2000.

There are 8.1 million unemployed Americans today, according to the Bureau of Labor Statistics, an increase of 2½ million Americans from just 2 years ago.

The year before President Bush took office, the economy created 1.7 million new jobs. Since January of 2001, we have lost 1.5 million jobs.

The poverty rate increased for the first time in 8 years in 2001. In the first year of the Bush administration, 1.3 million Americans slipped back into poverty, with 32.9 million now living in poverty and this the richest nation on the face of the earth.

The median household income fell 2.2 percent in 2001, after increasing every year since 1992. More than 400,000 bankruptcies were filed in the second quarter of this year, an all-time high. In the same quarter, 1.23 percent of home loans were in foreclosure, a record high, but that is not all.

The number of Americans without health insurance increased by 1.4 million people from the end of 2000 to the end of 2001. Health insurance costs increased 12.7 percent in 2002, the largest annual increase since 1990. Prescription drug prices increased by nearly twice the rate of inflation in 2001. And then, of course, as all of us know, the stock market has lost $4.5 trillion in value between January, 2001, and September, 2002.

But the topper, the most egregious statistic for which we have a large share of the responsibility, has been the historic reversal of the Federal budget.

The $86.6 billion surplus inherited by this administration, excluding Social Security, that President Bush inherited has turned into a $314 billion deficit, almost half a trillion dollars; and the only medicine the Republican party's economic gurus can prescribe is this—cut taxes.

As we consider this continuing resolution, I urge the American people to ask themselves Ronald Reagan's famous question: Are we better off today than we were 2 years ago? The answer tragically and unfortunately is we are not.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, last week we went through a very similar debate when we passed the CR last week to get us to this point. There was some heated discussion on the floor, and there was a bit of finger pointing. I do not think it does this institution all that good to point fingers, but I suppose that is just the nature of a political body that that has to happen.

I think in that light it may be instructive just to review where we started in the 107th Congress and the start of this year and where we are right now. That perhaps has added to some of the sounds of confusion that we are going through this time.

We are required by law, as we all know, to pass a budget and agree on some numbers between the House and the Senate. We have talked about that at length on the floor of this House, and we all know that the House responded to that in a way and passed a budget according to the rules and laws that we abide by. We also know that the Senate did not do that.

It presents a problem, obviously, simply because we do not have an agreement on both sides by which to argue about our differences. It causes some dissension, certainly does not make the appropriators' job very easy, but that is the framework by which we have to work with this appropriation process.

So we have tried then to get bills out at least and have broad consensus. Five of them, if my number is correct, have passed the House, now await action in the Senate, and we have some contentious appropriations bills that need to be acted on later.

Every year, as a matter of fact, the same bills tend to pop up that are contentious, and the appropriators are working very hard to try to work out the differences so we can narrow that gap, but unfortunately, this year happens to be an election year. Everybody, or at least one-third of the other body and everybody in this body, desires to go home to campaign and hopefully come back and start the 108th Congress anew, but before we do that, of course, we have to finish this process.

It is true when we were up in the Committee on Rules meeting earlier this afternoon, the CR was to take us until November 22. The reason for that time between then and now was to give the appropriators a little bit more time to work out the differences that they may or may not have and try to take a deep breath, come back after the election and get it resolved.

Of course, in this body there are a lot of discussions that go on under the radar, and it was felt, probably through a signal of Members perhaps on both sides of the aisle, that a resolution carrying the CR to November 22 may not have passed. We do not know that, we did not put it to a vote, but sometimes we take a gauge and we learn where the levels are.

The determination was made, because there had been talk not only last week but the week before, that probably the last CR would be on the 18th of this month, a determination was made then that we would have the CR until the next week to allow the appropriators to go back to work, and that is what this rule is all about, is to allow us to have a CR to take us into next week. We will come back next week.

I suppose that we will hear the same sort of rhetoric next week as we try to get all of our business done, but I think this is a responsible way to do it.

There are some major issues, I might add, that are overhanging the whole Capitol, not just this body. Today, we passed a very historic piece of legislation that, as my colleagues know, we debated for 2½ days regarding the Iraqi situation. But in line with the Iraqi situation and the potential that we may have to go to war is the issue of homeland security, and we have acted on that.

When the President came to the Congress with his proposal for homeland security, there were Members, probably on both sides of the aisle, that said would it not be great if we could create an Office of Homeland Security and have that done by September 11. We did not get it done by September 11, but the House did act on that bill, and that is waiting in the other body, again, for that bill to pass so we can work out whatever differences we may have.

I think it would be unconscionable for us as a Congress, in view of what we did today and the action on Iraq, to leave here, to leave here and not pass the homeland security bill. I hope that the other body will work on that. I hope they work extremely hard on that in the next week so that when we come back, we will have to come back next week to at least, if nothing else, respond to the CR.

I believe that for us as a Congress one of the things that we need to do is to put the final exclamation point on what I think all Americans want us to do, in lieu of the threat that we have coming from the Middle East and particularly Iraq, is to make sure that our homeland security is as strong as it can be. It can only be stronger, in my view, if the Senate acts on that bill, we can go to conference and work out the differences and pass it.

Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, would the Speaker be so kind as to inform us as to the amount of time remaining on both sides?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida (Mr. HASTINGS) has 12 minutes remaining, and the gentleman from Washington (Mr. HASTINGS) has 22½ minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I was going to ask my good friend and namesake, the gentleman from Washington (Mr. HASTINGS), whether or not we needed a budget resolution to pass the Defense bill today.

We did not need one.

And are we going to take up appropriations measures next week when we return?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, in the best of all worlds, of course, it would be nice if we could do that. Anything is possible. It is likely probably not, in all honesty.

Mr. HASTINGS of Florida. Mr. Speaker, did my colleague not just say,

though, that that was the purpose of the CR?

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will continue to yield, I am sorry if the gentleman misinterpreted what I said on that. The purpose of the CR is to fund the government for one more week, if, in fact, under that period of time these things can come together.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, my colleague is not going to answer my question. They did not need a budget resolution, as argued that we needed, in order for us to go forward with the Defense bill today. The answer to that is, no, we did not. The answer to are we going to take up appropriations measures next week, absolutely not. We are going to come back here and do another CR, and we need to get on with it.

Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I thank the gentleman for yielding me the time, and I am wondering if my friend from Wisconsin would answer a question.

I am very curious about this explanation that we cannot act on appropriations bills because there is no conference agreement on a budget resolution. As our friend the gentleman from Florida (Mr. HASTINGS) indicated, we passed two final bills today. Is that not right? How could we do that?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the answer is very simple. When they had the will to pass a bill, they passed it. When they do not want to pass the bills, they do not pass them. They were not trying to hide what they were doing on Defense, but they are trying to hide what they are doing on Education and Agriculture and Transportation.

Mr. SABO. Mr. Speaker, do we have a number of bills that have been passed out of committee available for floor action?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, you bet. We have the Agriculture bill. We have the Labor H, could be ready very quickly if they would let us bring it to a vote. We have the HUD independent offices bill. We have a number of others as well.

Mr. SABO. Mr. Speaker, I will have another question for the gentleman.

I read this continuing resolution, and there is something that bewilders me. As we all know, our economy is fragile and there is always a dispute about what we can or should do at the Federal level to help speed up the economy.

Clearly, one of the areas in this country where we have major problems is our transportation and infrastructure.

□ 1745

Am I right that this year we are having highway obligation limit of about $31.8 billion?

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, the language in this CR——

Mr. SABO. No, this year.

Mr. OBEY. Right now we are operating under the level the gentleman described, yes.

Mr. SABO. In our previous continuing resolutions we were told we had an obligation limit of $31.8 billion.

Mr. OBEY. Right.

Mr. SABO. What is this language in the bill today? I read it, and it seems to me we are writing into law something about 31.8, that appears to be a smoke screen to make people feel good, then there is an exception for it which indicates and takes us back to a highway obligation limit to 21.7.

Mr. OBEY. That is correct. This resolution cuts the amount that would be available to the States to $27.7 billion. So the gentleman's State is going to lose $54 million, my State will lose $69 million, if it is carried to term, and so on.

Mr. SABO. This is confusing. I know that there is disagreement between House and Senate bills, but from all the interpretations of what we have been doing, I think it is clear that no one can dispute that if we want to spend money that has impact on jobs, maintaining or creating jobs, the best money spent is on existing programs, where plans are made, where States are ready to spend it. Am I wrong?

Mr. OBEY. If the gentleman will continue to yield, the gentleman is right, and what is at stake here is 200,000 jobs.

Mr. SABO. And so this bill goes contrary to what we have done in our first couple of CRs and actually writes into the CR that we are reducing funding for highways next year.

Mr. OBEY. That is right. Instead of having a disagreement between the House and the Senate, we have a disagreement between the House and the House.

Mr. SABO. I thank the gentleman.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I feel a sense of frustration similar to some who have expressed it on the floor today, because I joined some of my colleagues in the Committee on Rules in seeking support for a rule to allow the CR to be brought up to do one primary thing, to keep the government running beyond tomorrow night at midnight.

Now, there may be some who would like to see the government close down and play the blame game: ''it is your fault, or it is your fault, or it is our fault, or it is their fault.'' The problem is, the blame game does not get us anywhere.

Now, we are here today with a CR because the appropriations bills have not become law. Today we passed the conference reports on the defense bill with a very healthy bipartisan vote and on the military construction bill with a very bipartisan vote. Those are two good bills, and we had promised the President we would get them to his desk before any others. But if anybody listening to this debate believes that we have not passed the appropriations bills because the Committee on Appropriations has not done its job, they are mistaken. If anyone believes that the appropriations process has broken down, they are mistaken.

There was a breakdown. The breakdown was in the budget process. It totally collapsed. And it collapsed because the law was not followed. The Budget Act was not obeyed. The Budget Act provides that the House pass a budget resolution; send it to the other body, the way we do other legislation; the other body passed a budget resolution; the two Houses come together in a conference committee and work out the differences; and then report back to the House and report back to the Senate the ideal budget resolution with the same numbers and the same words. As all my colleagues know, a conference report has to be identical.

Here is where the breakdown occurred. The House passed a budget resolution. Whether you voted for it or did not vote for it, whether you liked it or did not like it, the House passed a budget resolution. The other body did not. So during the appropriations process we have been dealing with a broken budget process because the top number, the 302(a) number which is the overall budget number for discretionary spending, is one number in the other body and a different number in the House.

Now, I have been seeking a mathematician ever since that happened to tell me how we can reconcile these appropriations bills when one top number is $9 billion higher than the other one. Either the high one has to come down or the low one has to come up or they have to meet in the middle somewhere. This has not happened so the budget process totally collapsed.

Nevertheless, the Committee on Appropriations has continued to do its work. We have already passed and sent to the other body a number of appropriations bills, including the two we passed today, the Defense and Military Construction bills. We have also sent the Interior bill to the other body and, we have sent the Treasury, Postal bill the legislative branch bill to the other body. And I would report to you, Mr. Speaker, that we are prepared to send all the other bills to the other body after they are considered here. The committee has marked up those appropriation bills and they are ready for consideration.

Someone asked about an omnibus bill, and I would have to suggest that at this late period in this process that may be the way out, that is, to do an omnibus bill. As a matter of fact, seeing this day coming, I could prepare an

omnibus bill, and I could add it to a CR. We are going to be back here next week. By the time we get back here next week, I could have another CR ready that would have an omnibus appropriation bill on it that would finalize our business as far as the House is concerned.

So that is sort of the history of where we are and why we are here. The appropriations process did not break down; the budget process did. And most of the bills that we reported from committee had general support from both parties; and all of those bills were reported out of the committee with good solid votes. But now the bill we are considering today, Mr. Speaker, has to do with a continuing resolution to keep the government functioning beyond midnight tomorrow night.

After writing and rewriting several different continuing resolutions, we introduced the first one last night. Since then, we have introduced three additional ones. We went to the Committee on Rules, they gave us a rule that would allow us to take up the CR that would take us to the 22nd of November. That does not mean we will quit and run and go home tomorrow or tonight. That means we have that much more time available to work on trying to conclude our business.

But along the way we ran into another obstacle, and that obstacle was that there are some people who did not think there was enough in this CR for an interest that they had. And I think their interest is legitimate, but there are legitimate interests all over this Congress that are not included in this CR because a CR is a temporary funding measure.

So we were hoping to bring this rule to the floor, get a bipartisan vote for it, take up the CR, and keep the government functioning so that the Congress could continue to do its work. Now we have found out that we may not have all the votes we need on our side to pass it and we may not get any votes on the minority side. That doesn't make it very bipartisan, to say the least. I have asked a number of my friends on the other side if we could have some votes to help us pass this rule, to make up for the votes we may lose on our side; and the answer was no, we are not going to vote for it.

If we could have had a little bit of cooperation, this rule could be out of here, the CR could be out of here, and all my colleagues could be on airplanes headed for home; and I would go back to the office and put the finishing touches on that omnibus appropriation bill and have it ready by next week. But instead, we are here.

We could use a little cooperation. Some of my friends on this side would not like it if we passed the rule the way it is currently written because they want their interests in this resolution, and I do not blame them. But sometimes we have to settle down, cut, and go to the finish line. And that is where we thought we were today, but evidently we are not.

Other than that, Mr. Speaker, I hope everybody has a nice day, nice weekend; and we will see everyone next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland if I have any time left, Mr. Speaker.

Mr. HOYER. I believe there is time, as I understand it, Mr. Speaker.

We have heard much about the budget and the fact we have not passed the budget in the same form through two Houses. But as I recall, we passed a deeming resolution budget, which means the House numbers are the numbers we are supposed to adhere to. Am I not correct that we used that deeming resolution to pass the five bills to which the gentleman previously referred that have passed the House? Is that correct?

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, the gentleman is correct. We are functioning under the deeming resolution.

Mr. HOYER. If the gentleman will continue to yield, could we not, therefore, have passed the other eight bills in the same manner?

Mr. YOUNG of Florida. I would like to think that we could. The problem would be that conferencing those bills would be impossible, at least if we did all of them.

Mr. HOYER. I agree with the gentleman, because there are very substantial differences. The gentleman mentioned a number of differences in our priorities. But what that would have done, Mr. Speaker, is to make it clear what those differences are for the American people in terms of education, in terms of health care, in terms of biomedical research.

So we could have done that and set before the American people the differences that exist between our body and the other body, could we not?

Mr. YOUNG of Florida. Well, Mr. Speaker, I am only going to respond to the gentleman in this way: that we deemed a budget number because we could not get a real budget, and we had to have a top line that the House had previously agreed to. As I pointed out in my remarks, I know a lot of Members did not vote for it. Nevertheless, the House worked its will, and that is the budget number we are now working with.

It would have been much easier for me and for the gentleman from Maryland, as the ranking member on a very important subcommittee, and for the gentleman from Wisconsin (Mr. OBEY), as the ranking member on the full committee, and for all of us, if we had a common top number so that we could have then created common 302(b) numbers and we could have been well on our way to conferencing these bills.

Mr. HOYER. Again, Mr. Speaker, if the gentleman will continue to yield, I agree that would have been easier; and, furthermore, I believe, had there been agreement and a majority for the House-passed budget numbers, we could have passed our bills.

It seems to me, Mr. Speaker, the problem is that the votes are not there to sustain the budget the House passed and put forward, and that really is the nub of the problem, that we passed a budget that was not realistic and that, therefore, we and the Committee on Appropriations are unable to pass bills which can garner the requisite votes to pass. And I sympathize with the gentleman's challenge.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, my friend, the gentleman from Maryland, is very smooth in the way that he makes his points, but his comment would be speculation because there are those of us who believe that we could pass those bills at the number that we deemed. And if the other body would have had the same number, whether it was $768 billion, $759 billion, or $749 billion, we could have made this work.

Mr. HOYER. Mr. Speaker, we did not have the same numbers on the five bills we did pass.

Mr. YOUNG of Florida. The gentleman is correct, but he understands that we did not get to conference on those bills.

Mr. Speaker, reclaiming my time, I wish we could conclude this business today and let the Members have a weekend at home, because for those who have strong election campaigns, they need a little bit of time at home to reconnect with their constituents. But I am not sure that is going to happen today. We will do the best we can, and I thank the gentleman for yielding me all of his time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I have listened to this discussion and wonder what the American people might be asking themselves about this inside-the-beltway discussion of budget resolutions, continuing resolutions, and deeming resolutions.

Let me bring it back home to Americans in real terms. Because we have not done the one thing Congress has the responsibility to do each year, pass appropriation bills, the children of military families who might be put at risk in a war against Iraq, and I voted for that military authorization today, the children of military families, their schools, will not be getting the Impact Aid funding as they should be this November.

□ 1800

The Fort Hood school district in my congressional district will be losing millions of dollars that they otherwise would have gotten in November.

I am told Fort Leavenworth in Kansas might have a serious financial crisis in the next month or two because of Impact Aid funding not having been passed in the appropriation bill.

What all this esoteric discussion means, the children of the military

families, those families which we might be sending into combat in Iraq, are not going to get the education funding they deeply deserve; which is somewhat ironic on the same day that we just voted to authorize the use of military force in Iraq.

Secondly, this means a lot in regard to highway spending and American jobs. A vote for this rule is a vote to cut highway spending by $4.1 billion. What does that mean? It means the loss of over 190,000 jobs in an economy which has already lost 2 million jobs. It means the loss of good-paying jobs from New York to California to Texas. It means we cannot repair the aging highway infrastructure in America at the rate that we were even doing last year, considering the fact that 21 percent of the bridges in the Federal highway system are substandard and many of those are unsafe.

It means that the 4 days a year that Americans already spend in congestion away from their work, it means more pollution, more time away from their families and less efficient businesses. According to the Texas Transportation Institute, a loss of $75 billion a year because of congestion, extra fuel and lost time because of inadequate highways and inadequate transportation systems.

So this is not an esoteric, inside-the-Beltway debate, it is a debate about jobs and cleaner air and more efficient businesses.

Mr. Speaker, we have not met our responsibility. Because of the leadership in this House, we have not been allowed to do our one responsibility that we must do: pass appropriations bills. What I think has happened is a combination of a slow economy, the war against terrorism, and an irresponsibly large tax cut which has cut the budget so drastically that we cannot afford to fund the Leave No Child Behind education bill, and many Members want us to not vote on these until after the election. That is irresponsible. We should do our work. It is our responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I was in my office watching this debate. If I could do one thing in this Congress, being one of the longest-serving congressmen, it would be to shut off the television. The nonsense I heard from that side of the aisle that affects my committee is pure, pure BS. That is exactly what it is. And they are playing the political game on television so the people at home can watch this dishonesty as they present it.

I worked very hard on this and I must tell the gentleman from Minnesota (Mr. SABO), the gentleman from Wisconsin (Mr. OBEY), I worked very hard, including the gentleman from Minnesota (Mr. OBERSTAR), who is the ranking member, to make sure as it came down that we reinstated, and $31,799,104,000 is going to be spent. Yes, that is what it is. Just read it. Has the gentleman read it?

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. SABO. Yes.

Mr. YOUNG of Alaska. Mr. Speaker, I reclaim my time. I reclaim my time.

This was an agreement we reached, the gentleman from Minnesota (Mr. OBERSTAR) and myself, to in fact have the money spent as a continuing resolution to the level of $31,799,104,000, and it reverts back to $27.7 billion. That is what this House agreed to.

It also says that none of the obligated funds will be affected. That is in there, too.

It also says, by the way, it can be changed at a later date; and that will probably be true, too.

But to allude to those people that depend upon our highways, and no one defends those highways better than I do, no one works harder to make sure that the transportation system is improved. It is so much better than what was proposed.

Mr. Speaker, to stand up on television and play the political game on this floor of the House is wrong. The Committee on Appropriations chairman is trying to do his job. I have 64 bills over in the other body that have not been acted on. How many bills in the other body belong to the gentleman that the majority leader in the Senate has not acted on?

Do not ask us to play the political game against my leaders in this House and say it is all their fault. Look at the Senate side. Look at the Senate side. What have they done? Have they passed a budget? Have they looked at the appropriating bills? No, they have not.

In addition, when we get done, I will probably insist on the Senate side to bring us more money. But, in reality, they worked in good faith. Our leaders worked in good faith. I worked in good faith. My ranking member worked in good faith. And to stand up on this floor and play the political card is absolutely wrong for this House.

If the gentleman wants to have power that bad, go at it. But I am thinking of the people of the United States right now. I am thinking about the people who depend on transportation and on the bridges the gentleman talked about. There is more money in this. We have $4.4 billion put back into it when we passed the budget. And the gentleman voted for it.

I am a little excited right now because my back hurts, but the fact of the matter is I have watched this 30 years. I have watched this body for 30 years, and ever since we put the television cameras in, debate on this floor has deteriorated and is for political purposes instead of solving problems.

Our job is to solve the problems and represent the people of this Nation for the best of this Nation, not for political purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair reminds Members not to characterize Senate action or inaction.

The Chair would also ask the courtesy of all Members to engage in debate only when yielded time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I know the gentleman from Alaska (Mr. YOUNG) is suffering some back pain today; and, unfortunately, it is affecting his ability to read. If he would read the language, it says, ''Notwithstanding any other provision of this joint resolution, the annual rate of operations for Federal aid highway programs for fiscal year 2003 shall be $31,799,104,000, provided that total obligations to this program while operating under joint resolution making continuing appropriations for fiscal year 2003 shall not exceed $27.7 billion unless otherwise specified a subsequent appropriation act.''

That means, baby, all you get to spend as far as the States are concerned is 27.7 billion bucks, unless you pass different language than the language that is in this resolution.

I do not know if the gentleman is reading in Turkish, Russian, or Egyptian, but if you read it in English, that is what it says. If you vote for this rule, you are voting to cut highway funding by $4 billion.

And as Lily Tomlin used to say, ''That's the truth!''

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, until just a few minutes ago, I was up in the Speaker's rostrum and I was listening to all of this debate. I will try to not get too emotional about this, but the gentleman is probably correct. That is what it says, but this resolution is only for one week.

And as the gentleman from Alaska (Mr. YOUNG) just said, what that means is for the period of one week, yes, it may be reduced; but they also have language and an agreement it will not be reduced. So we are straining out the gnat and gulping down the camel.

The issue is, will the House agree with a resolution that will keep the Federal Government open for one week? That is a pretty simple question, and I think the answer is, or should be, yes.

Mr. Speaker, I want to congratulate the chairman of the Committee on Appropriations. I think he said it correctly. The House from the very beginning has been prepared and willing and has done its work. The problem is the House is only one part of Congress, and we have had problems from the very beginning because we have a budget resolution which we have deemed and which we will abide by, and the other

side has not. Now, that makes it impossible to come to an agreement.

Somebody said earlier, Well, does the House have the will to pass appropriation bills? I think the answer to that question is, yes. But we do not have an agreement. If there is no agreement, what is the point?

I think the gentleman from Maryland said, what are our priorities? Let me ask a question. What are the priorities of the other side of the aisle? Not only for the first time in 26 years did one branch of the Federal Government not pass a budget, in violation of Federal law, but our friends on the left never offered a budget resolution. They ask what our priorities are, what our blueprint is. We have a budget. We can tell the American people, this is what the Republican blueprint was.

Now, how do we compare that to the plan on the other side of the aisle? The other side of the aisle never offered a budget plan.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the gentleman from Minnesota (Mr. GUTKNECHT) just asked what are our priorities. Here is what they are.

Our priority is not to run the government by spending Social Security money the way theirs apparently are.

Our priorities are to increase funding for special education, a prescription drug benefit for senior citizens, superfund cleanup and other things the American people support, and many things the majority side of the aisle would like to support.

The reason we are going through this exercise is the majority does not wish to be held accountable before the election for the choices that it has presented to itself. When the majority enacted its tax cut in 2001 and the recession was prolonged and the unforeseen events of September 11 occurred, the majority put itself into a box. Because it refuses to reconsider the speed and scope of the tax cut, the majority has only two choices to fund the government.

The first choice is to dramatically reduce what we spend on schools, on the environment, on health care, on veterans' benefits and other desirable programs; and they do not want to cast those votes before the election.

The other choice is to fund those problems at a higher level but dip into the Social Security surplus and spend Social Security money to run the government, and they do not want to do that before the election either.

So their strategy is to play rope-a-dope, is to come back week after week, continuing resolution after continuing resolution, and not own up to the consequences of what they have done. What they are doing is wrong.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been somewhat of a peculiar situation that we find ourselves in. The other side, after being all over the ballpark all day, has now decided on a one-week CR. That is fine. That is their prerogative. They are in the majority. It would have been nice if they decided this 12 hours ago. Presumably, we will be back on Tuesday, maybe Wednesday or maybe Thursday.

The only regret I think any of us have is, while the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is an honorable man, and certainly his committee has completed a lot of its work, he has been prevented by his own leadership from bringing his work product to the floor. He has only been permitted to bring five appropriation bills to the floor. Eight have not been brought to the floor. They should have been. Most of them have been completed by the gentleman's committee. It would be nice if they were brought to the floor so they could be voted on one at a time and resolve the problems that face this country.

Mr. Speaker, I will be calling for a rollcall vote on this rule. A number of our Members will be voting ''no'' to express their displeasure in the way that the majority has been handling this matter.

□ 1815

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I am very proud of what we have been able to accomplish here. Some of us were just going through the litany of items which the 107th Congress, specifically the House of Representatives with this very narrow 5-to-6-vote margin that we have been able to do. And it is true, one of the first things we did, as the gentleman from Alaska (Mr. YOUNG) has pointed out so well, we were able to pass a budget, and no budget has passed in the Senate; but we have been able to pass a budget here, and we have gone through a rigorous debate on that. But let us look at some of the other things that we have been able to accomplish to help the American people, and I think it is very important to note that one of the greatest successes we had back in 1996 has proved to be passage of welfare reform. We have been able to pass a very meaningful, positive welfare reform measure from this House of Representatives.

One of the other items obviously, as we have looked at now bipartisan support for President Bush's initiative to potentially use force in dealing with the horror of Saddam Hussein and Iraq and, along with that, the potential for some kind of response to that from Iraq, we have passed out of this House a measure that was called on by the gentleman from Missouri (Mr. GEPHARDT), the minority leader, to do it by September 11; and we have passed a bill establishing a Department of Homeland Security. That is something we are very proud of as we deal with the war on terrorism.

We also are very proud of the fact that in a bipartisan way, both Houses of Congress and with the President's signature ultimately, we passed the No Child Left Behind Act, dealing with education, what before September 11 of last year was our number one priority.

Prescription drugs, a very important issue which was talked about in the Presidential campaign, we are proud of the fact that we have been able to pass out, within the guidelines of our budget, a $350 billion prescription drug program so that seniors can have access to affordable prescription drugs. The other body has not taken action on that.

We have been able to pass out of this body a very, very meaningful reform of the pension structure; and we all know with the economic challenges that we are facing, our retirees, those who are looking towards retirement in the future, the challenges they are facing, we have been able to bring about meaningful reform on that issue.

I am very proud about something that we worked to try to give President Clinton beginning back in 1994 when it expired, we have been able to pass Trade Promotion Authority. Both Houses of Congress have done that. The President signed it. Our ambassador, the U.S. Trade Representative, Mr. ZOELLICK, is in the process of trying to work out new market-opening opportunities for us. That is going to provide an economic boost for the United States of America; and we have been able to pass that out of this House, again something we have not been able to do in 8 years.

We also were able to bring about meaningful middle-income taxpayer tax relief. We have heard this criticism of the tax package, but it was focused towards middle-income wage earners with the provisions that we have had in there on the marriage penalty, the death tax, the child tax credit. These are things that have been designed to help working Americans.

We also have been able to deal with the challenge of corporate fraud, and we all have been horrified by the actions of some top executives in this country. We have been able to pass out of this House and the other body meaningful reform when it comes to corporate fraud.

We hope very much that we will be able to get election reform passed. We have had what I believe to be a very good conference package. Again, it started right here in this House of Representatives. We did it in a bipartisan way. I am very, very proud of that. We have been able to increase veterans benefits. We have much to be very proud of, much of it done in a bipartisan way.

So let us not criticize what we have got. We have got a 1-week continuing resolution; let us pass it and continue with our work.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTINGS of WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HASTINGS of Washington.

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, to final passage without intervening motion except: (1) one hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is a follows:

Page 1, line 4, strike ''inserting 'November 22, 2002'.'' and insert ''inserting 'October 18, 2002'.''

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. HASTINGS).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 193, not voting 13, as follows:

[Roll No. 459]

YEAS—225

Aderholt
Akin
Armey
Bachus
Baldacci
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Baker
Berman
Bonior
Cooksey
Coyne
Ganske
Gutierrez
Lewis (CA)
Meek (FL)
Ortiz
Reyes
Roukema
Stump

□ 1842

Mrs. THURMAN, Mr. BOUCHER and Mr. RANGEL changed their vote from ''yea'' to ''nay.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1845

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 580, the rule just adopted, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for fiscal year 2003, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 122, as amended pursuant to H. Res. 580 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–229 is further amended by striking the date specified in section 107(c) and inserting ''October 18, 2002''.

SEC. 2. Section 101(2) of Public Law 107–229 is amended by striking ''section 15'' and all

that follows through ''(Public Law 103–236), and''.

SEC. 3. Section 114 of Public Law 107–229 is amended by inserting before the colon at the end of the first proviso the following: '': *Provided further*, That section 3001 of the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) is amended by striking subsection (d), and such amendment shall take effect as if included in such Act on the date of its enactment''.

SEC. 4. Section 117 of Public Law 107–229 is amended to read as follows:

''SEC. 117. (a) The Congress finds that section 501 of title 44, United States Code, and section 207(a) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) require that (except as otherwise provided in such sections) all printing, binding, and blankbook work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office.

''(b) No funds appropriated under this joint resolution or any other Act may be used—

''(1) to implement or comply with the Office of Management and Budget Memorandum M–02–07, 'Procurement of Printing and Duplicating through the Government Printing Office', issued May 3, 2002, or any other memorandum or similar opinion reaching the same, or substantially the same, result as such memorandum; or

''(2) to pay for the printing (other than by the Government Printing Office) of the budget of the United States Government submitted by the President of the United States under section 1105 of title 31, United States Code.''.

SEC. 5. Public Law 107–229 is amended by adding at the end the following new sections:

''SEC. 120. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2002, and for activities under the Food Stamp Act of 1977, activities shall be continued at a rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2002, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, and December 1, 2002, may continue to be made.

''SEC. 121. Notwithstanding any other provision of this joint resolution, the annual rate of operations for the Commodity Futures Trading Commission (CFTC) Salaries and Expenses Account shall not exceed $71,960,000 and shall include the cost of lease of office space for the CFTC's New York regional office at an annual rate not to exceed $1,949,000.

''SEC. 122. In addition to funds made available in section 101, the Department of Justice may transfer to the Immigration User Fee Account established by section 286(h) of the Immigration and Nationality Act (8 U.S.C. 1356(h)) such sums as may be necessary from unobligated balances from funds appropriated to the Immigration and Naturalization Service by Public Law 107–77 and division B of Public Law 107–117, at a rate not to exceed $90,000,000 for the first quarter, through the date specified in section 107(c): *Provided*, That the sums transferred under this section shall be reimbursed from the Immigration User Fee Account by not later than April 1, 2003.

''SEC. 123. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations of General Legal Activities (GLA) in the Department of Justice, $7,300,000 available during fiscal year 2002 from the Executive Office of the President shall be credited to GLA for purposes of administering the Victims Compensation Program.

''SEC. 124. Activities authorized by the Parole Commission and Reorganization Act, P.L. 94–233, as amended, may continue through the date specified in section 107(c).

''SEC. 125. Notwithstanding any other provision of this joint resolution, in addition to amounts made available in section 101, and subject to sections 107(c) and 108, such funds, from fee collections in fiscal year 2003, shall be available for the Securities and Exchange Commission to continue implementation of section 8 of Public Law 107–123.

''SEC. 126. Notwithstanding any other provision of this joint resolution, except section 107, the District of Columbia may expend local funds at a rate in excess of the rate under authority applicable prior to October 1, 2002 to cover payments that would be funded under the heading 'Repayment of Loans and Interest'.

''SEC. 127. No funds appropriated in this joint resolution or any other Act may be used to implement any restructuring of the Civil Works Program of the US Army Corps of Engineers which would involve the transfer of Civil Works missions, functions, or responsibilities from the US Army Corps of Engineers to any other executive branch agency or department without explicit congressional authorization.

''SEC. 128. Notwithstanding any other provision of this joint resolution, during fiscal year 2003, direct loans under section 23 of the Arms Export Control Act may be made available for Poland, gross obligations for the principal amounts of which shall not exceed $3,800,000,000: *Provided*, That such loans shall be repaid in not more than 15 years, including a grace period of up to 8 years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs of these loans: *Provided further*, That the Government of Poland shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with the loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of Poland prior to any disbursement of loan proceeds: *Provided further*, That no funds made available to Poland under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

''SEC. 129. Notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect until the date specified in section 107(c).

''SEC. 130. Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payment to John F. Mink, widower of Patsy Mink, late a Representative from the State of Hawaii, $150,000.

''SEC. 131. Notwithstanding section 105(a)(2), in addition to amounts made available in section 101, and subject to sections 107(c) and 108, for purposes of calculating the rate of operations for the Transportation Security Administration (TSA) and the Federal Emergency Management Agency (FEMA), the amount transferred by Public Law 107–206 from TSA to FEMA shall be credited to TSA, and such amount shall be deducted from FEMA.

''SEC. 132. Activities authorized by section 24 of the United States Housing Act of 1937 (24 U.S.C. 1437v) may continue through the date specified in section 107(c) of this joint resolution.

''SEC. 133. (a) Each specified department or agency shall, by December 6, 2002, submit directly to the Committees on Appropriations a report containing an evaluation of the effect on the specified management areas of operating through September 30, 2003, under joint resolutions making continuing appropriations for fiscal year 2003 that fund programs and activities at not exceeding the current rate of operations.

''(b) For purposes of subsection (a):

''(1) The term 'specified department or agency' means a department or agency identified on page 49 or 50 of the Budget of the United States Government, Fiscal Year 2003 (H. Doc. 107–159, Vol. I), except for the Department of Defense.

''(2) The term 'specified management areas' means the following management priorities described in the President's Management Agenda (August 2001): strategic management of human capital, competitive sourcing, improved financial performance, expanded electronic government, and budget and performance integration.

''SEC. 134. (a) The Director of the Office of Management and Budget shall submit to the Committees on Appropriations a monthly report on all departmental and agency obligations made since the beginning of fiscal year 2003 while operating under joint resolutions making continuing appropriations for such fiscal year.

''(b) Each report required by subsection (a) shall set forth obligations by account, and shall contain a comparison of such obligations to the obligations incurred during the same period for fiscal year 2002.

''(c) Reports shall be submitted under subsection (a) beginning 1 month after the enactment of this section, and ending 1 month after the expiration of the period covered by the final joint resolution making continuing appropriations for fiscal year 2003.

''(d)(1) Each report required by subsection (a) shall include a list of all executive branch accounts for which departments and agencies are operating under apportionments that provide for a rate of operations that is lower than the current rate, within the meaning of sections 101 and 105. For each such account, the report shall include an estimate of the current rate for the period covered by this joint resolution and the estimate of obligations during such period.

''(2) By December 6, 2002, the Comptroller General shall submit to the Committees on Appropriations a report identifying executive branch accounts for which apportionments made from funds appropriated or authority granted by this joint resolution provide for a rate of operations that differs from the current rate, within the meaning of sections 101 and 105.

''SEC. 135. Appropriations made by this joint resolution are hereby reduced, at an annual rate, by the amounts specified and in the accounts identified for one-time, non-recurring projects and activities in Attachment C of Office of Management and Budget Bulletin No. 02–06, Supplement No. 1, dated October 4, 2002.

''SEC. 136. Activities authorized for 2002 by sections 1902(a)(10)(E)(iv) and 1933 of the Social Security Act, as amended, with respect to individuals described in section 1902(a)(10)(E)(iv)(I) of such Act may continue through 60 days after the date specified in section 107(c) of Public Law 107–229, as amended.

''SEC. 137. Notwithstanding any other provision of this joint resolution, except sections 107(c) and 108, during fiscal year 2003, the annual rate of operations for the Federal-aid highways program for fiscal year 2003 shall be $31,799,104,000: *Provided*, That total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003

shall not exceed $27,700,000,000, unless otherwise specified in a subsequent appropriations Act. This section shall not affect the availability of unobligated balances carried forward into fiscal year 2003 that would otherwise be available for obligation.''.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 580, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would announce to the House that the legislation before us, H.J. Res. 122, is the third continuing resolution for fiscal year 2003. It extends the date of the original CR that took us to midnight tomorrow night until midnight, Friday of next week, October 18th. The terms and conditions of the CR, the original CR remain in effect. We have gone over these terms twice already, so I will not go through them again. However, because the calendar has caught up with us a bit, we did have to add some new anomalies.

First of all, we provided funding to meet the fiscal year 2001 caseload for all appropriated entitlements, including child nutrition programs, food stamp programs, Medicaid grants to States, payments to Medicare trust funds, trade adjustment assistance programs, veterans entitlements, and supplemental security income payments. One of the new anomalies also provides for a 60-day window to process Medicare part B premiums for certain Medicaid-Medicare dual eligibles under a provision that expires on December 31, 2002.

In addition, new anomalies would provide funding adjustments for the following programs to ensure sufficient resources when we calculate the operating rate for the period of the CR, and those include the Commodity Futures Trading Commission, Immigration User Fee Account, Victims Compensation Program, Securities and Exchange Commission, District of Columbia repayment of loans and interest, Transportation Security Administration, and the Federal Aid Highway program.

This particular CR also provides legislative authorization to implement a new, no-subsidy cost to the United States, $3.8 billion foreign military financing 15-year loan to the Government of Poland so they can purchase 48, F–16 aircraft from the United States. And it is important that we do this in a timely fashion because there is competition; and if, by a certain date in November, this financing arrangement has not been agreed to, the Poles are going to another buyer or provider.

It extends the otherwise expiring authorizations for the U.S. Parole Commission and the HOPE 6 revitalization of severely distressed public housing program through the date of the CR, and prohibits the transfer of civil works missions of the Corps of Engineers to other agencies. It reinstates the dual-use authority, through the date of the CR, to allow the Export Import Bank to make loans that may include military equipment. It includes a correction to the Department of Justice authorization bill as passed by the House in H. Con. Res. 503, and provides a gratuity to the widower of our late friend and colleague, Patsy Mink, the late Representative from the State of Hawaii. It requires reports from agencies of the executive branch on the effects of operating under a full year CR and monthly reports on obligations; and I certainly hope that a full year CR does not happen.

Mr. Speaker, there are some other comments that I could make about what we are doing here, why we are here and why we are not doing something else, but I will reserve for now.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, this House has precious little time left in this session. Today we finished important business on Iraq. We worked across the aisle with Republican colleagues to come up with that resolution. We could use that same type of framework to get more of the Nation's business done if the Republican leadership would put aside their my-way-or-the-highway attitude and reach across the aisle to work out a bipartisan economic plan for our country.

We should not be passing 7-day CRs when the Republican leadership has no plan to actually complete the Nation's business when people are looking to us for leadership.

I will vote against this continuing resolution.

Since we returned from our August recess, we have done nothing, practically nothing of substance aside from the Iraq resolution. We have had nothing on the schedule. We have spent all of our time, the people's time, on meaningless ''Non-Sense of the House'' resolutions urging the Senate to pass tax cuts for the wealthy beginning in 2011. Their resolutions have no legal force. Their so-called economic program would affect no one until 2011. What are people going to do between now and 2011? People are suffering today. They are receiving their 401(k) statements this week. The stock market is falling like a lead balloon. People are out of work, and they are giving up hope of finding new jobs.

This economy is in the tank and some people have been put out of work through no fault of their own and many cannot find a new job. The Republican leadership has a failed economic plan that has contributed to the conditions that we are living with today. Republicans cannot even pass a budget to provide for the Nation's critical priorities. A responsible House right now would be addressing the people's serious concerns that they face in their day-to-day lives.

In the few remaining days, this Congress should extend unemployment benefits for people who are still trying to find work in a struggling economy, pass a real pension bill that helps secure people's retirement savings against future Enrons, close the loophole that allows corporations to incorporate overseas to avoid paying taxes. We could pass a good generic drug reform bill that will help lower the cost of prescription medicine now, and we could finish our legislation for education, health care, worker programs so that we can make good on our commitment to actually leave no child behind, and we could provide adequate resources to ensure excellent health care for our Nation's seniors and provide our workers with adequate help to weather these rough times.

If Republicans continue to duck their responsibilities, there will be serious consequences in people's lives. Their inability to act will lead to cuts in education, homeland defense, medical care for veterans, and the National Institutes of Health; and the chairman of the Committee on Appropriations has made this plain.

I think the inaction today is unacceptable.

As we did earlier today, we need to come together on a bipartisan plan of action to solve our serious economic problems and address the most important problems people are facing right now. Let us not leave here before we address that agenda. Let us not have a 7-day continuing resolution. Let us have a 1- or a 2-day continuing resolution. Let us stay here and do the people's work. We will not win the war against terrorism if the economy of this country is imploding around our ears. We will only beat terrorism if we have a strong economy with good jobs and good wages for the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

I have to suggest to the distinguished minority leader, and he is distinguished, and I have a lot of respect for him, and I understand being in the minority. I served in this House for 24 years in the minority, so I know what it means to be in the minority.

But when he says that we did not pass a budget, he is wrong. That is not accurate. We passed a budget. And when we could not get it through the whole process because the other body would not pass one, we deemed our own budget. So the House did its job. It was not our fault that the other body controlled by the other party refused to even take up a budget. Just like in the House, their party did not offer a substitute for our budget.

So, yes, Mr. Minority Leader, we passed a budget and when we could not get in conference with the other body, we deemed our own budget here in this House. So I just wanted to correct that.

Then I wanted to say to the gentleman about ducking responsibilities, I have avoided getting into the partisanship and the political business here in this House. A lot of it takes place, and that is natural. We are approaching an election. I have done my best to keep the official business of the appropriations process on a nonpartisan, on a bipartisan, on a productive basis, what is good for the country. But, Mr. Speaker, my party did not duck its responsibilities. We have had a very productive year in this House of Representatives, only to find our efforts stymied by the other body who refused even to take it up. One of the appropriations bills that we passed early on they worked on for 3 weeks, and could not pass it, so they pulled it off of consideration. Talk about ducking responsibilities. We passed that bill.

Anyway, Mr. Speaker, as the Speaker knows, I seldom get exercised to that extent.

Mr. Speaker, I yield 3 minutes to the very honorable gentleman from Alaska (Mr. YOUNG), my distinguished colleague.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again admonish Members that it is not appropriate to characterize the action or inaction of the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, it is unfortunate we cannot do that.

Mr. Speaker, I rise in support of this joint resolution making further continuing appropriations for fiscal year 2003.

In consultation with my good friend, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and in consultation with the leadership, I am pleased that this resolution ensures that the Federal highway program will continue at the fiscal year 2002 rate of $31.8 billion. This reverses the Office of Management and Budget's surprising decision last week to reduce the highway program to a $27.7 billion rate of operations. This decision was contrary to the Congress's intent that programs be continued at the current rate until final appropriation bills can be agreed to and enacted.

The language in this joint resolution is in no way binding with regard to the final fiscal year 2003 transportation appropriations bill that will eventually be enacted. This year's final highway funding level will be appropriately determined at a later date in the context of House and Senate negotiations on that bill.

□ 1900

In the meantime, this resolution ensures that funding for the highway program will continue at the fiscal year 2002-enacted rate of $31.8 billion. This will protect the good-wage jobs and make our infrastructure whole.

Again, I want to stress this has been done with the work of the minority on my committee and myself and the leadership of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the Speaker of the House.

We will continue what we said we were going to do. When there is a budget, when there is an appropriation bill, when there are negotiations done, that can be a different date and a different amount. Now we are on the right track to make sure that our highways are continuing to be built and rebuilt, and that our bridges are built and repaired, also.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I know the chairman of the committee did not intend to misspeak, because much of what he said I totally agree with. That is, it is not the Committee on Appropriations that has in fact got us to this point of impasse, but it is the leadership of their party that has us here. It is their unwillingness to bring the appropriation bills under the budget that passed the House, that everybody talks about. That is what is keeping us held up.

The misspeaking, Mr. Speaker, was when he said no one on this side of the aisle offered a budget alternative.

I do not know how many times I have to take to the floor to remind everyone, and Members can check this in the RECORD, we brought a substitute amendment, the Blue Dog Democrats, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Indiana (Mr. HILL), we brought an alternative budget to the floor of the House. We respectfully asked the majority to allow us to debate that on the floor of the House, and we were denied.

So I would appreciate it if no further Members on the other side would say that no one on this side of the aisle offered an alternative, a substitute budget, because some of us did but were prevented by the same leadership that has got us into the impasse tonight; and it is not the Committee on Appropriations.

Mr. Speaker, they would have a much stronger argument if they brought the appropriation bills to the floor under the budget that they passed, and they would have had a much better argument tonight and last week and the week before that and next week if they had passed all 13 appropriation bills, because some of us on this side of the aisle will support them, regarding that budget that everybody talks about.

I have been here 24 years, and I remember all of the years in which appropriators said, when I was on the Committee on the Budget, we really do not need you folks. We honestly do not need the Committee on the Budget, because we can do the job ourselves. It is amazing here now, suddenly listening, week after week after week, they now are suddenly saying that the only reason they cannot do their work is because the Senate did not pass a budget. Now everybody in here knows better than that.

We had a very impassioned speech a moment ago from the gentleman from Alaska (Mr. YOUNG) talking about the transportation bill, et cetera. Well, if we just did our work, then we could point could point the finger to the other body, and there would be enough blame to go around.

But I will say tonight, Mr. Speaker, the only blame that can honestly be affixed to why we are in this position tonight is on the leadership on the other side of the aisle that have refused to do that which they insist that the Senate do; that is, live by a budget.

We could do it, or at least we could try. Why did they not bring the other eight appropriation bills to the floor of the House and allow them to be discussed and debated? Where are they? If they are going to point the finger of blame, it has to start right here, I believe.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding time to me.

Mr. Speaker, I am pleased to support this resolution, as it contains a provision clarifying that, under this continuing resolution, the Federal Highway Program will be funded at $31.8 billion. This continuing resolution is designed to be a temporary measure continuing funding for government programs at current levels until annual appropriation bills for 2003 can be enacted into law.

I know the Committee on Appropriations has approved a bill with a $27.7 billion obligation limitation for the Federal Highway Program, while the Senate Appropriations Committee has funded the program at $31.8 billion. A final level of funding will be decided later as the appropriation process continues. This process in no way ties our hands in determining what the final appropriation level should be.

Again, the purpose of the CR is to continue funding at the current rate; and it should not be used to inhibit Congress's prerogative to set final spending levels for this budget year, which I hope will be at the Senate level.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, despite the comments that have been made about highway funding levels, the language is clear. It indicates that the total obligations will be $27,700,000,000, instead of the $31.799 billion that were available in the previous fiscal year. That $27 billion level cannot be changed unless a

subsequent appropriation bill passes to change it.

So the fact is that this bill does single out highways for a reduction below last year, when almost no other program is asked to bear that kind of a reduction. That will result in 200,000 fewer construction jobs.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I rise because there have been references already made to education. I know in previous CRs there have been comments about education. I want to commend our chairman, and I want to tell the Members why I am supporting this.

I am not at the pay grade to answer some of the questions that have been raised by the gentleman from Texas (Mr. STENHOLM) and others, but I am at the pay grade end of the knowledge to know that this Congress increased education funding in the 2002 budget by 18 percent. Every nickel of that under a CR is being forwarded and appropriated again in this continuing resolution, the largest increase in investment America has made in its poorest and most deserving students in decades.

For 35 years, we spent $125 billion on Title I, and our lowest-performing students did not move up a percentile in improvement. But in No Child Left Behind, 373 Democrats and Republicans, including great leadership from the gentleman from California (Mr. GEORGE MILLER), forged through No Child Left Behind. This gentleman forged through the largest increase in education spending and funded the President's program.

This continuing resolution brings forward every single improvement that we made, 1 billion new dollars for Reading First, Early Reading First; money for the testing we now require to show that we have accountability for the performance we seek; and the $1 billion increase we put in the supplemental just last year in Pell grants.

So while there may be arguments over leadership and timing and what we are and are not doing, no one should tell us that we are not making the investment in our children and that this CR somehow cuts that investment. It brings forward the largest single increase in education funding this Congress has made with the accountability the American people sought and desired and wanted.

Today, in the classrooms of America, under a continuing resolution, children are learning to read, schools are being held accountable, performance will begin improving. When we reach a final determination on the next budget, we will continue to do what this Congress has done, Republicans and Democrats alike, and that is improve the lives of our children.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, that is one of the most selective and interesting rewrites of history I have heard on this House floor in at least an hour. I would like to give a little different interpretation of what has happened to education funding.

It is most certainly true that in each of the last 5 years we have provided substantial increases for education. That was, and the RECORD will show, that was because the Democratic Members of this House had to pull the majority party Members of this House kicking and screaming into supporting higher education levels.

Last year, the gentleman talks about the very large increase in education funding we had. That is correct. That is because the Democrats on the Committee on Appropriations again pounded the White House day after day after day until we forced them to accept a $4 billion increase in the President's education budget.

So that means that over the last 5 years, on average, with prodding from the minority party in this House and the then minority party in the Senate, the Democratic minority, we had an average increase per year for education funding of about 13 percent.

The President followed that up with the No Child Left Behind Act, which most of us supported. That promised a continuation of that very steep trajectory for education funding. This is too small a chart to show it, but the chart nonetheless demonstrates what that trajectory was. That No Child Left Behind Act promised that we would provide very substantial increases in funding for the next 5 years to continue the progress that we had made the last 5 years.

Instead, this continuing resolution is freezing the budget funding for education. That means that, on a per child basis, it is cutting education funding for the kids who need it most.

The gentleman is shaking his head no. Check the numbers on per child appropriations for children who need funding for language programs, children who do not speak English as a first language. They are being cut in the President's budget by 10 percent in real terms on a per child basis.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman makes an important point. If in fact the test is whether or not we are going to go to the President's budget or whether or not we are going to go forward with the appropriations bills, which I think both the chairman and the gentleman from Wisconsin would pass to increase education funding but are being held up, if we go back to the President's budget, we have a real cut of about $90 million below last year in the No Child Left Behind Act, a real cut of $90 million. The gentleman makes a very important point.

Mr. OBEY. Mr. Speaker, there is no question that if the majority party on the Committee on Appropriations were left to its own devices that we would have a very respectable and decent education appropriation bill.

The gentleman from Ohio (Mr. REGULA) is a strong champion of education, and so is the gentleman from Florida (Mr. YOUNG). But the fact is when that committee began to move forward to produce such a bill which provided those increases for education, they were cut off at the pass by the most reactionary elements in the majority party caucus. Those elements went to leadership and said, if you appropriate one dime for education above the President's budget, we are going to bring down the labor, health, education bill.

They further said that, until you produce an education funding level freeze at the level of last year for education, that they would not support any other appropriation bills. That is why we are wrapped around the axle. Let me continue with other categories.

Title I, the No Child Left Behind Act promised that we would have an increase in funding of at least $4 billion this year. Instead, they got a $1 billion increase financed by other cuts in other education programs aimed at the same children.

Then if we take a look at handicapped education, we increased them annually by over $1 billion over the last 3 years. We wanted to do so again on a bipartisan basis, both sides of the aisle. Under the President's budget, we cannot do that. The President's budget falls half a billion dollars below where we would be if we kept the trajectory going that we had established the last 3 years for that program.

Mr. Speaker, I would invite the gentleman to review the report which we just issued called ''All Rhetoric, No Resources.'' It will demonstrate the facts that I have tried to illustrate.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I would say to the distinguished ranking member on the Committee on Appropriations, the chart is small. I cannot see it. In fact, I have my glasses off, and I can hardly see the gentleman right now.

I would ask the gentleman, is it not true that the chart that he showed was the level of authorizations for education over the next 5 years?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ISAKSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. No, it is not.

Mr. ISAKSON. I ask the gentleman, what did he show?

Mr. OBEY. This chart showed the appropriation increases that we had the last 5 years.

Mr. ISAKSON. The last 5 years?

Mr. OBEY. The last 5 years. Then it shows the fact that the President's budget essentially freezes that appropriated number.

Mr. ISAKSON. I do not want to put any words in the distinguished gentleman's mouth, but I kept hearing the word ''cut.''

Mr. OBEY. No. What I said is that, on a per student basis, if we take English as a second language programs, that those programs were cut on a per child basis in real terms by 10 percent, because we have an increasing population and inflation and the President's freeze does not provide for that.

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Mr. ISAKSON. Reclaiming my time, and hoping for a brief response, would the gentleman agree with me that in real dollars between the 2002 budget and the operation of a continuing resolution in 2003, there is not a cut in expenditures this year versus last year?

Mr. OBEY. In real dollars, no, I would not agree with that. There is, as the gentleman from California said, $80 million cut in real terms.

Mr. ISAKSON. Again, without getting into detail, I am talking about overall, not in a program like bilingual or anything else, but I am talking about overall appropriation, in the aggregate, not by program.

Mr. OBEY. You need $90 million to keep up with the No Child Left Behind Act, and on a per-student basis, you have to look at this on a per-student basis to see what is happening on a per-child basis.

Mr. ISAKSON. Reclaiming my time, and I am sorry to interrupt, but I do not want to take any more time than I should, this continuing resolution continues to fund education at the level in the aggregate, and I am not going to yield any more time, you will have plenty more, that we passed in the 2002 budget. The authorization levels, I will admit, are higher. I also know the 5-year plan, and I do not have the quote in hand, the authorization of the President is a substantial increase over that period of time. But that is a time out in the future.

The only point I am trying to make for the benefit of the people in the United States of America that may be listening is that by continuing the appropriations that we made last year this year, until we resolve this budget, we are not reducing the amount of money that we are investing in education.

You were making a point that by doing it and by not funding it at either the authorization level or by taking certain programs in it, we are reducing it. That is the only point I want to make. I appreciate the gentleman's time. I continue to support the resolution because I know the sincere interest this Congress has, Republican and Democrat alike, in seeing to it that America's most disadvantaged children get the very best shake they have ever had. No Child Left Behind did it. And last year we made the most significant increase in education funding, which is being continued through this CR, this Congress has ever made.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the fact is over the last 5 years we had average annual increases for education of almost 13 percent. That progress is being brought to a screeching halt. The dollar amount in aggregate is being frozen at last year's level, which means because there are more students, especially in these needy categories, that on a per-student basis we have a real reduction in education at a time when State governments and local governments are also pulling the plug on education. The result: contrary to No Child Left Behind, there are going to be hundreds of thousands of kids who are left behind and they are going to be the most vulnerable kids in America.

Mr. ISAKSON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. I want to agree with about three-fourths of what the gentleman said.

The increase has been 13 percent over the last 5 years. The gentleman is absolutely correct. The continuing resolution continues those increases until we pass a Labor-HHS budget. My point is, it is unfair to say that until we have passed that that anybody has cut anything. And the gentleman actually verifies the point I have been making in terms of the substantial investment this Congress has made in improving education which is being continued.

Mr. OBEY. No, I do not grant that at all and I do not verify that.

The fact is the increases are not being continued by the continuing resolution. The increases are being brought to a screeching halt. You are now freezing the progress we have been making on a bipartisan basis for the last 5 years. That is what you are doing. Your own subcommittee on appropriations, own Republican members know that is not enough. They want to provide more but they are not being allowed to do so by the most right wing elements of your caucus. That has been in the newspapers. You have all told me that. You know what the facts are.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, first I want to say thanks to the chairman of the Committee on Appropriations, who is in the unenviable position of getting battered by everybody all of the time. I appreciate that of the cardinals and our appropriators.

On the one hand, some of us most right wing elements of the Republican Party, as I and others are sometimes called, criticize the Committee on Appropriations for spending too much. Then others say they are not spending enough.

The fact is that every year when we get to the final appropriations bills, I have supported the Committee on Appropriations because they have tried to work within a budget, and we understand that it is a system in which the Senate is probably going to come up with a higher number. We come in. We like to have a budget. We would like to work it out and probably the numbers are going to be higher than our initial numbers and lower than their numbers.

I know it is very frustrating for the appropriators because often inside the majority will of our conference may be different than their particular goals. They see all the requests that all of us put into the Committee on Appropriations, and at the same time try to balance what are the long-term goals. We have had extraordinary increases in the amount in education. We have just heard basically 65 percent over the last 5 years. All of the sudden we are facing a deficit in this country. We do not want interest rates to go up. We do not want inflation to go up. Yes, we do not want to leave any child left behind.

We are trying to work this out. This CR gives us more time to work out a compromise with the Senate where those final numbers can be agreed upon. Labor-HHS appropriations bill is always the toughest. It is always at the end. It certainly will not be resolved, most likely, in the last few weeks before an election. It is easy to be outside of power and to criticize those who are inside power, but I want to thank our appropriators and our leadership for trying to work this through.

Hopefully, we can finally get some of the appropriations bills through. They are likely to be higher than some of the conservatives would like. And they are likely to be lower than some of the liberals would like. But that is how you get a balanced budget that does not drive up interest rates, that does not kill inflation and also gives children in America the best education possible.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the fact is this continuing resolution is a cut of $372 million below the President's budget and a 2.4 percent cut in real terms after adjusting for inflation and enrollment growth. That translates on a per-child basis into a cut.

We can pretend it is not in Washington, but at the local level, that is a cut that is felt.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong opposition to this sham of a continuing resolution.

We are back again for a third time because this Congress refuses to do the work it is responsible to do. Tonight it is not only the American taxpayer who is suffering, but specifically it is the

thousands of men and women, firefighters, police officers, EMT, volunteers, iron workers, laborers who were the first people to respond to the World Trade Center attack on September 11 of last year. These are the men and women who responded to the attack upon our Nation, who looked for survivors, cleared debris, and began the rebuilding process amidst the most difficult and extreme conditions.

The President and this Congress promised $90 million for the health care of the workers at Ground Zero. The thousands of workers who again were the first to respond and rushed down to Ground Zero are only now starting to show the signs of exposure to the most heinous of contaminants. Their afflictions include asthma, sinusitis, chemical bronchitis, and psychological distress.

Thirty-five thousand workers were exposed, but only 3,000 have been screened. Fifty percent of those screened have respiratory illness. Fifty percent of those screened need additional psychological assistance. This administration said that $90 million was too much. This was after President Bush was at Ground Zero promising $20 million to New York to rebuild.

The most this Congress could do was $12 million for the health of workers. But tonight in this CR they are saying to the firefighters, police officers, those who worked 18 hours a day-plus at Ground Zero in its darkest days, those who sifted through the debris to find their fallen brethren and sisters, their health does not matter.

The message is loud and clear in this CR. This Congress promised the workers at Ground Zero $90 million. The word of the Republican congressional leadership to those heroes is worthless. The value of the work done by those workers at Ground Zero is priceless. The behavior of the Republican leadership in this House is simply shameless.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much, and if I could ask the attention of the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY) for just a moment if he has a minute.

One of the things I have learned over the last 8 years being here and getting the opportunity to preside from time to time is that there is not a more abler Member of this body than the gentleman from Wisconsin (Mr. OBEY) or the gentleman from Florida (Chairman YOUNG) when it comes to the appropriations process. And I am just a slug transporter who believes in building roads and bridges and dredging harbors and things of that nature.

When this continuing resolution came out the other day, we were very upset on our side of the aisle, as was the gentleman from Minnesota (Mr. OBERSTAR) and the Democrats on the Committee on Transportation and Infrastructure, because we were told that the original language would put us at the $27 billion mark for the fiscal year, which was in violation of the $4.4 billion that we thought we restored.

We notified our leadership that we would en masse vote against the rule for this continuing resolution unless the language was changed. The language was in fact changed, and today we were told that this continuing resolution spends out the transportation trust fund at $31.8 billion until October 18. I guess I am asking the gentleman because he is a lot smarter than I am, were we hoodwinked or do we have to go back to our leadership and say that somehow they have fooled us or is that in fact the case?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I am not sure I got the full import of the gentleman's question. All I can say is, if we read the language of the provision in the CR before us, it says that ''total obligations for this program while operating under joint resolutions making continuing appropriations for fiscal year 2003, shall not exceed $27,700,000,000 unless otherwise specified in a subsequent appropriations act.''

Now, there may be a deal in the works to raise that number in the future. But the number we are voting on right now, in fact, contains a $4 billion reduction in what can be made available to States in comparison to the CR that we are operating under right now.

Mr. LATOURETTE. Can the gentleman tell me at all what the difference is on the language we are voting on tonight as compared to what was in the CR when it first came out of the committee yesterday? Because, again, we were told that the significant changes, that this spends out at $31.8 billion until this CR expires next Friday. And if that is not accurate, then we have a bone, I suppose, to pick with the leadership on our side of the aisle.

Mr. OBEY. Frankly, I do not know what the original language was that the gentleman was shown. All I know is the language that we are voting on right now, and it contains a $4 billion cut from the existing continuing resolution.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman. I thank the chairman for his work and for yielding me time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to congratulate the majority party in this House on the success of the Republican economic plan.

About 22 months ago the Bush administration roared into town and rammed a record more than $1 trillion tax cut for millionaires through this Congress, when both Houses were controlled by the Republican Party.

What is the record since then? Unemployment is increasing, job creation has reversed. The jobs that were created during the previous decade have now fallen off. Poverty is on the rise. Poverty in America is increasing again. For the previous 9 years, the poverty rate went down in America, year after year after year. Last year, the first year of this administration, as a result of an economic program rammed through this House, the poverty rate is going back up again and this year it is the same thing.

Incomes are falling. The fact of the matter is the rich are getting richer and everybody else is getting poorer as a result of this great economic plan. Hundreds of thousands of Americans are now filing for bankruptcy. Mortgage foreclosures across the country are at record highs.

The Federal budget deficit is increasing. Two years ago we had a budget surplus of almost $87 billion. This year the on-budget deficit will be $314 billion. That is a $400 billion turnaround in less than 2 years. This represents the largest budget decline in U.S. history in that period of time; the third largest on-budget deficit in history, exceeded in size only by the deficits of 1991 and 1992 when the first Bush was the President.

□ 1930

The continuing resolution that we are being asked to pass today has to be seen in the context of this plan. We are passing this continuing resolution because we have not been able to pass appropriations bills; and we have not been able to pass appropriations bills, not because of the work of the Committee on Appropriations, because the Committee on Appropriations, under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, has done its work. We have not been able to pass the appropriations bills because this House passed a budget resolution this year which was unreasonable and impossible to meet because of that tax cut.

We are not able to fund the needs of the American people, and perhaps that is why we have frozen education spending.

That is why the wanted Leave No Child program is essentially not advancing the interests of one single child in America, because we have not put a nickel in the Leave No Child Behind program, and this is probably why we are reducing funding for transportation in this continuing resolution by another $4 billion, because the budget resolution that we have is unreasonable and unrealistic, and we are unable to get a spending program that meets the needs of the people of this country.

That is the problem we face right now.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we are here tonight because the other body has not had a good year. It is a fact that the United States Senate did not pass a budget. It is a fact that the United States Senate has not passed the faith-based initiative. It is a fact that the United States Senate has not passed welfare reform. The Senate has not passed pension reform. They have not passed the energy package. And during a time of war when an unprecedented attack on America has taken place, they have not even been able to pass homeland security.

In fact, it appears to me that the only thing the other body has had time to do is kill presidential appointments and judicial nominees, something they are very proud of.

Yet we in the House, we are ready with our appropriation bills. We are ready with our appropriation process.

As my colleagues know, Mr. Speaker, we cannot sit down with another body when they do not have a budget, when there is no top end to it. If we sit down right now with a group, the House has a budget, the House has a bottom line and a top line. The Senate does not, because they do not have a budget. We cannot go into negotiations with somebody like that. It is like asking our kids to limit their Christmas list. They are not going to do it. They are just going to keep on wishing and wishing and wishing.

I notice something curious here tonight, Mr. Speaker. So much of the problems seem to come back to the tax reduction for middle class families that the President started and was overwhelmingly supported by the American people. But if I am hearing correctly, the Democrats are suggesting that that is the problem. Therefore, should they win the majority back, I can only assume that their plan is to increase taxes. Because if they do not want to increase taxes, obviously they are going to cut Social Security or defense spending to fund these other programs.

I know they do not want to cut Social Security and they do not want to tax it, because they taxed it in 1993 under President Clinton when the Democrats were in charge of this House. And we Republicans, unlike the Democrats, we have no plans to tax Social Security. We have no plans to cut Social Security. I am concerned that if the Democrats take back over there might be some hidden scheme, but I am hearing over and over again so much of this is because of the tax reduction.

So the only conclusion a logical, objective listener could come to is that the Democrats want to increase taxes as a way to eliminate what they consider a budget shortfall. I do not know that there is a budget shortfall. I still am amazed that in Washington that a cut is considered a reduction in the expected increase, and I still find that mind-boggling in itself.

I want to say this, we are ready to roll in the House. It is just too bad that the other body decided not to pass a budget this year, because we cannot sit down and negotiate with somebody who does not have a bottom line or a top line.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to refrain from characterization of Senate action.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I am going to give the gentleman from Georgia my Alibi Ike of the Cosmos Award tonight for that speech.

Let us put the record straight. The Senate has not passed three appropriation bills which the House has sent to it, the Legislative bill, Interior, Treasury and Post Office. That constitutes about 10 percent of the entire domestic budget. The House has not yet considered 90 percent of the domestic budget, the eight appropriation bills that it is still to deliver.

The gentleman says, ''Oh, you cannot sit down and negotiate an appropriations bill with the other body if they have not passed a budget resolution.'' We just did. We just passed a DOD bill today, and we just passed a Military Construction bill today, and both of those passed despite the fact that, guess what, the Senate had not passed an irrelevant budget resolution on those either.

All it proves is that when the majority party in this House wants to pass an appropriation bill, they can find a way to do it, and to duck it, when they want to duck it, I tell you they are World Series class in ducking them, and that is what they have done this year.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, we are really living under the budget that passed the majority in the House. We are really living under this budget.

What has it given us? We have borrowed $400 billion over the last 12 months, enforcing the budget that passed the House, regardless of whether the Senate passes a budget or not because we are living under this one. That is what we are living under.

It is amazing, the gentleman from Georgia who just spoke a moment ago, it was amazing what he said. Basically, we need to pass the appropriation bills. It has nothing to do with a budget. Pass the appropriation bills that my colleagues' budget called for and then send them to the Senate. Then they can have a quarrel with the other body, but yet we keep wanting to blame the other body for us not doing our work.

I do not understand that, and I am on the floor on behalf of the budget. I have no quarrel with the appropriators, but I have a lot of quarrel with the leadership on the other side that has tried the blame game instead of dealing with doing our work.

Just today, the same Blue Dog group asked that we be allowed to have in the continuing resolution the PAYGO and the spending caps.

We want to enforce some level of spending. I am perfectly willing to live with the level in my colleagues' budget. I am perfectly willing to live with that. That is what the Blue Dogs said this year with one exception. We said, when the new estimates came in in August, if we were spending Social Security trust funds, let us sit down and revisit the budget to see whether or not we really want to continue down that road. That is what they refused to let us do.

Next week, I am told we are going to have another tax cut. Where is that tax cut going to come from? Right out of the Social Security trust funds, period. Any additional spending that anybody wants to spend for any purpose is coming right out of the Social Security trust funds or the Medicare trust fund, but yet we will have that because the same leadership believes that is good politics, and, boy, the ads come out at home for the opponent as we talk about this.

Let me repeat, and anyone that wants to challenge me, I would welcome almost a little bit of debate from the leadership on that side, because many times I make these statements and the phone starts ringing, this guy from Texas is just shooting his mouth off about spending and what have you, and nobody comes in and challenges it. Well, if what I am saying is not true, I would welcome and yield to the other side.

We asked to put some restraints on it. The leadership said, no thanks, we do not want PAYGO. We want to pass another tax cut next week so that we can run on that, and we do not want to talk about that is going to come out of the Social Security trust funds, which is where it is going to come.

The Concorde Coalition has warned that, unless we put some budget enforcement, we are going to run into bigger troubles. How much bigger can we get? The deficit has gone up $400 billion. One would not think so listening to the leadership on this side. One would think the deficit has come down in the brilliant leadership of the last 2 or 3 years. It has gone up in the last 12 months $400 billion, and it is going to go up another $300 billion in the next 12 months. That is the fact, and yet here we are trying to do our work, a CR.

The appropriators are trying to do their work. They do not have a chance. They have got an 8,000 pound weight tied around their neck because of the lack of the leadership in this body to do what we should do, is do our work. If we do our work, my colleagues would be surprised at what might happen.

Mr. OBEY. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining and the gentleman from Florida (Mr. YOUNG) has 8½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

It is really incredibly unfortunate, and when we see that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Georgia (Mr. ISAKSON) and myself, we are arguing over education, and given the chance, all four of us would increase this year's education budget as it should properly be increased, as it is called for under Leave No Child Behind, and we would be able to deal with the Senate and get an increase for America's schoolchildren, but we are prevented from doing that because the Republican leadership will not let that bill come to the floor.

The gentleman from Georgia (Mr. KINGSTON) says we cannot do that because we do not have a budget. We just passed a Military Construction bill without a budget. We just passed a Defense appropriations bill without a budget. We sent the Interior bill to the Senate without a budget. For 200 years we did not have a budget in this country, but this Committee on Appropriations, they fought the Second World War, they fought the Korean War, they fought the Depression, they launched a great society, they created Medicare, they created Social Security, and we did not have a budget, but we built America.

All of a sudden today we feel because we do not have a budget we cannot take care of the needs of America's schoolchildren, of America's teachers, of our school districts, because we do not have a budget.

It is just a phony argument. The fact of the matter is, the Republican leadership does not want to bring to the floor the Education budget as it is being insisted on being brought to the floor by the most right wing element of the Republican Caucus because it is an insufficient number for Education. They do not want to admit it before the election.

The States have cut $9 billion because of the economy from the Education budget. The least we can do is uphold the Federal role in that effort, but we are told we cannot do it because we do not have a budget, and yet we are going to have a $50 billion tax cut bill out here next week. We do not need a budget to do that.

The American public ought to be getting terribly tired of this argument. I know the Members of Congress are getting terribly tired of it, because most of us on both sides of the aisle would like to do our work, finish up, go home, see if we can get our option renewed for another 2 years with the public and get on about the public's business, but that is being thwarted here.

The terrible thing is here it is not the punishment of us, it is not the punishment of the President or the Committee on Appropriations or any other committee in this Congress. It is starting to punish the schoolchildren of this country. Because this is not the money that we need to carry out the reforms that we have insisted upon as a Congress on a bipartisan basis to change the educational experience of the poorest children in this country, but that cannot be done without this money.

School districts and States all over this country are engaging in the most dramatic reforms of the education systems at the local level in the last 30 years, and we told them we would give them the money to help them do that, and this budget does not do that. In 1 year's time we have broken faith. This was a 12-year contract with the school districts of this country, and in the first year, in the first year, the Republican leadership in the House of Representatives and the President's budget have broken faith with those school districts, with those school board members, with those parents and with those children.

Give us the Health and Education appropriations bill so we can vote on it up or down. Let us go.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Chairman, I really do not feel like saying anything else. We have chewed this cud so many times now, as they say in my part of the country. The fact is that there are many Republicans and many Democrats who want to do right by the children of this country, and the fact is if the Committee on Appropriations had been allowed to proceed with its original plans, we would have produced a budget which did, in fact, keep the promises of the No Child Left Behind Act.

Instead, however, because of an internal war in the Republican Caucus, the committee has been reduced to going through these motions time and time again. We are being slow walked and slow danced to the end of the session. The leadership desperately wants to get out of town without ever having voted on some of these issues until after the election.

□ 1945

We cannot do much about that in the minority except point it out and hope that the people who want action to improve the quality of their schools will understand and hold this Congress accountable, even though this Congress is turning itself into a pretzel trying to avoid accountability on issues as crucial as education.

I regret that. I know that a lot of Members of the majority party as well regret it, but they have a leadership which is being held captive by their most extreme Members and they are as helpless as we are on this right now.

With that, Mr. Speaker, I thank the gentleman from Florida for trying to do the right thing, even though he has been blocked many times in trying to meet his responsibility, and I thank the Chair for his courtesy.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and all the members of the Committee on Appropriations on both sides of the aisle for having worked together so well this year to get our work where we are prepared to move, with very little notice, to complete this appropriations process. And it has been a good bipartisan effort.

On a bipartisan note, I wanted to thank the gentleman from Texas (Mr. STENHOLM). He and I exchanged some words earlier in the debate. He mentioned just in the last few minutes about the $400 billion increase in the debt. I want to talk about that just for a couple of minutes.

He is right. He has been a trooper in this House ever since he came here to try to balance the budget, as have many of us been here to try to balance the budget. But I think the gentleman from Texas would agree with me in what I am about to say. The discretionary appropriation bills that the gentleman from Wisconsin and I and our chairman and ranking members present to the House are not the real culprit in the deficit. Mandatory spending, back-door spending, spending over which the appropriations process has no control whatsoever, that is the problem.

For every dollar that we appropriate through our discretionary funds, there are two additional dollars, two additional dollars for every one that is spent through back-door spending, through mandatory programs. The latest example: the farm bill, the agriculture bill, which was like $106 billion over the baseline for a 10-year period. That is a lot of money over the baseline. But some of those who are giving us trouble on the discretionary spending bills lined up and voted for that bill. The director of the Office of Management and Budget, who has put such a top line lid on discretionary spending, signed off on that big agriculture bill.

So we have to be consistent. If we are going to control this budget deficit, we have to turn off both spigots. We watch the discretionary; we watch the mandatory. Because mandatory spending programs spend $2 for every $1 that we appropriate in the discretionary programs.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding, and I want to agree with him totally regarding his statement on the discretionary spending.

But I would also point out the record will show that the farm bill the gentleman talks about this year will save $5.6 billion from that mandatory spending as a result of the work of the Committee on Agriculture. But I agree with the gentleman on the general gist of it. It is ridiculous for us to be talking about discretionary spending being the

culprit in the $400 billion. The gentleman is absolutely correct.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, this has been an interesting afternoon. Changes came and went and were never implemented, but we are finally at the point to vote on this continuing resolution to keep the government functioning beyond midnight tomorrow night, and to keep us going until midnight Friday of next week.

I am satisfied that between now and then we will have another exercise very similar to this one. I look forward to that exercise, and I am sure all the Members of the House do. But for now, I would just ask the Members to vote this CR and let us adjourn for the night.

Mr. NUSSLE. Mr. Speaker, I rise in strong support of H.J. Res. 122, making continuing appropriations for fiscal year 2003.

While the Congressional Budget Office has yet to release an estimate of this bill, it appears to adhere to both the letter and the spirt of the budget resolution agreed to by the House and supported by the President.

Even once the defense bill just agreed to and the house-passed military construction bill became law, this CR will be fully consistent with the budget resolution.

Under the leadership of the distinguished Chairman YOUNG, the Appropriation Committee has gone to great lengths to avoid carrying forward almost $16 billion in one-time spending that was provided in response to September 11th.

Moreover, the Appropriations Committee has accomplished this without sacrificing Congressional prerogatives. Rather than cede authority to the Executive branch to make these determinations, the Appropriations Committee has wisely identified each of these one-time expenditures.

Once again, I want to commend Chairman YOUNG and all the Members of the Appropriations Committee for their work on this bill. I strongly urge all my colleagues to support the resolution.

Mr. BLUMENAUER. Mr. Speaker, today marks an appropriate conclusion to the closing days of this 107th Congress under the guidance of Republican Leadership. First this House voted to authorize the President for unilaterally use force against Iraq. Next, they passed the largest Department of Defense appropriations bill ever put before Congress. And now we are debating a resolution to put off our remaining funding responsibilities until after the election.

The Republican Leadership continues to stymie the appropriations process because they cannot come to an agreement within their own party on how to fund important programs in the wake of their massive tax cut. Simply continuing funding at fiscal year 2002 level is a way of skirting the tough decisions before the election. However, there are significant consequences to this strategy.

By keeping funding at 2002 levels we are compromising our Nation's security and a host of other important programs that the American people care about. For example, the Coast Guard is awaiting a $500 million budget increase, which would allow more hires and increased harbor patrols. The current appropriations hold up is threatening $3.5 billion in anti-terrorism grants for emergency rescue teams. The spending freeze represents a $372 million cut from the President's budget, which is already grossly inadequate and falls far short of the promises made in the No Child Left Behind Act. The Securities and Exchange Commission will continue to wait for the funding increases promised to protect investors and monitor corporate activities.

Many projects across the country are threatened, even though they have agreements with the federal government, because discretionary funds cannot be allocated without a fiscal year 2003 bill. In Oregon, this threatens $70 million for Portland's Interstate Max, $3 million for the Sauvie Island Bridge, and $2.8 million for Jobs Access.

The Republican Leadership should be embarrassed to turn its back on its responsibilities to return home and campaign instead of dealing with their unfinished business.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 580, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the joint resolution, House Joint Resolution 122, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 1, beginning on line 4:

Strike ''October 18, 2002'' and insert ''October 12, 2002''.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, virtually all of us want to go home. I think probably the only Member of this body who wants to stay here late into the evening, every evening, because he enjoys it so much, is the gentleman from Pennsylvania (Mr. MURTHA). But outside of him, we would all like to go home and campaign.

Saturday I am scheduled to be in a little town called Thorp, Wisconsin. It is my favorite political event of the year. It is the annual Clark County Democratic dinner. We meet in the basement of the local VFW hall, and we have the best doggone kielbasa in the United States of America; and I always look forward to that dinner. But I think, in light of what we are neglecting to do in this House, that we should all be here. So I think I ought to be willing to forego that kielbasa and sauerkraut and chicken dinner, and I think all of the other Members of this House ought to be willing to forego what they have planned so that we can get some of our real work done. And that is what this recommit motion tries to accomplish.

The resolution before us is yet another continuing resolution to take us through next Friday. That means that this House will do nothing on appropriation bills between now and next Friday because we have not yet caused inconvenience for Members. I think the time has come to inconvenience Members in order to try to up the pressure on this place to actually get our work done. So this recommittal motion simply changes the date of the continuing resolution before us from October 18 to October 12.

That means, in essence, it is a 1-day CR. It means that I am willing personally to vote to extend the government every day by 1 day in order to keep people here on the job working. But I am not willing to vote for long-term CRs in the absence of an assurance by the leadership on the majority side of the aisle that they will schedule the education appropriation bill, the housing appropriation bill, the agriculture appropriation bill, and the other appropriation bills that we ought to pass to do our duty before we go home.

We have just finished dealing with what we consider our obligations to be with respect to our differences with Iraq. We need now to turn homeward and deal with our obligations to deal with the problems here at home, and the purpose of this continuing resolution is to accomplish that. I would urge a ''yes'' vote for the motion to recommit because that is the only way that we can force this House to actually bring to the floor the appropriation bills that could allow this Congress to conclude our work with a note of pride.

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

The SPEAKER pro tempore. Does the gentleman from Florida (Mr. YOUNG) claim time in opposition to the motion to recommit?

Mr. YOUNG of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Speaker, the motion to recommit offered by the gentleman from Wisconsin does not really work. I realize that he and I spend so much time together it is hard to create the separation, even for a weekend; but what this would do is a 1-day CR, a 1-day CR, a 1-day CR. And if all we do is a 1-day CR at a time, that is all we do. We would never get down to the real business.

So we cannot agree to this 1-day CR. And I hope that everybody will vote

''no'' on the motion to recommit and then vote ''yes'' on the resolution, so that then we will get back about our business, the rest of our business, after we conclude the CR.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 15, as follows:

[Roll No. 460]

YEAS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berman
Bonior
Cooksey
Coyne
Ganske
Hulshof
Jenkins
McKinney
Meek (FL)
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)

□ 2018

Messrs. FOLEY, TIAHRT, HOUGHTON, REYNOLDS, CASTLE, BLUNT, and ISTOOK changed their vote from ''yea'' to ''nay.''

Messrs. FORD, CARSON of Oklahoma, LIPINSKI, NEAL of Massachusetts, HALL of Texas, OBERSTAR, MEEHAN, LANGEVIN, HONDA, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 272, noes 144, not voting 15, as follows:

[Roll No. 461]

AYES—272

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
McKinney
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose

Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—144

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Blumenauer
Borski
Brown (OH)
Capps
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moran (KS)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—15

Berman
Bonior
Burton
Cooksey
Coyne
Ehrlich
Ganske
Jenkins
Meek (FL)
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)

□ 2029

Mr. HUNTER changed his vote from ''no'' to ''aye.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2030

REPORT ON H.R. 5605, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–740) on the bill (H.R. 5605) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

NOTING THE PASSING OF THE HONORABLE LAWRENCE H. FOUNTAIN, MEMBER OF CONGRESS FROM 1953–1983

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise to note with sadness the passing today of one of the Tar Heel State's true elder statesmen, the Honorable Lawrence H. Fountain, who represented what was then North Carolina's Second Congressional District between the years of 1953 and 1983.

Congressman Fountain will be remembered as the first champion of improving the relationship and cooperation between Federal, State and local governments, and the father of the first, independent, presidentially-appointed Office of Inspector General.

Congressman Fountain was born in Edgecombe County and attended public schools, including the University of North Carolina. He entered World War II as a private and was promoted to a Lieutenant Colonel. He then came to Congress.

We extend our sympathy to the family, who indeed will receive other expressions of respect at Carlisle Funeral Home in Tarboro, North Carolina. A memorial service celebrating the life of Lawrence H. Fountain will be held at the Howard Memorial Presbyterian Church in Tarboro at 3 p.m. this Sunday, October 13, 2002.

Mr. Speaker, our thoughts and prayers go out to the many friends and family of Congressman Fountain, who is in my district in Tarboro, North Carolina.

ANNOUNCEMENT OF INTENTION TO OFFER MOTIONS TO INSTRUCT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

Mr. WAXMAN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 4. The form of the motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that mandate the use of ethanol in gasoline.

Mr. Speaker, I further have another motion to instruct conferees. The form of that motion is as follows:

Mr. WAXMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4 be instructed to insist, to the extent possible, within the scope of the conference, that the conferees reject provisions that limit the liability of a responsible party for the contamination of groundwater with a fuel or fuel additive.

CONFERENCE REPORT ON H.R. 3295, HELP AMERICA VOTE ACT OF 2002

Mr. NEY. Mr. Speaker, pursuant to the order of the House of October 9, 2002, I call up the conference report on the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of House of Wednesday, October 9, 2002, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 8, 2002, at page H 7247.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. 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. 3295.

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

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a long, winding process that is about to conclude tonight, in what I think is going to be known as one of the most important votes that any Member of this body can cast, not only for this session but for the future, for decades to come, of the future of the voting process for the citizens of the United States.

I am pleased to present to the House the conference report for H.R. 3295, the Help America Vote Act of 2002. This legislation will have a profound and positive impact on the way we conduct Federal elections in this country. At the heart of the bill are some fundamental principles:

One, that every eligible citizen shall have the right to vote.

Two, that no legal vote will be canceled by an illegal vote.

Three, that every vote will be counted equally and fairly, according to the law.

When this legislation goes into effect, the voting citizens in this country will have the right to a provisional ballot, so no voter will be turned away from a polling place, no voter will be disenfranchised, just because their name does not appear on a registration list.

Henceforth, instead of simply being told to go home, the voters will be able to cast a provisional ballot which will be counted according to State law.

Voters will now also be able to have the opportunity to check for errors and verify the accuracy of their ballot in privacy before it is cast. No more will voters have to wonder if their vote was properly recorded or not. By guaranteeing them the right to verify the accuracy of their ballot in privacy, voters will be able to leave the polling place confident and certain that their vote was cast and counted in complete secrecy as they intended it to be.

This bill contains tremendous advances for individuals with disabilities. This legislation requires that every polling place in the country have at least one voting system that is accessible to the disabled, meaning individuals with disabilities, including the blind and visually impaired. They will now have the right to cast a secret and secure ballot in the same manner as all other Americans do.

No longer will individuals with disabilities have to rely on an assistant, or compromise the secrecy of their ballot. They will be able to vote in a private and independent manner, the same way all their fellow citizens do, many for the first time in their lives.

The legislation establishes a maximum error rate for voting system performance. This error rate is a measure of the performance of voting system prototypes under laboratory conditions to determine that the system counts votes accurately in accordance with national standards stands in Section 3.2.1 of the Voting System Standards adopted by the FEC.

I will include Section 3.2.1. for the record.

At the heart of our elections system is the process of how we maintain our records on who is eligible to vote. Currently, thousands of election jurisdictions across the country manage these records independently. Some employ the latest technologies and database management techniques to ensure accuracy and reliability. Others need improvement.

This bill will require each State to develop a Statewide registration system. These systems will modernize, centralize and improve current methods for ensuring the accuracy of registration lists.

The current system in many States creates inefficiencies and duplications, as voters often move from one jurisdiction to another within a State without notifying the jurisdiction that they used to live in before they made the move. The result is that a single individual may appear on more than one registration list in a State.

These Statewide systems will make it possible for States to more effectively maintain voter registration information, as they should. States will have more accurate systems to protect voters from being mistakenly removed from the list, while ensuring that costly duplicates that invite voter fraud are quickly removed.

The lists maintained by the State will be the official list used to determine who is registered to vote on Election Day. Uniformity and integrity in the system will be assured as local election jurisdictions will no longer be able to maintain separate lists.

This bill contains important new guarantees for military and overseas voters. Military voters will be guaranteed assistance and information that they need from the Department of Defense so they can complete and return their ballots on time. The military is required to mark all ballots so it can be determined when they were mailed, so no valid military ballot will be rejected for lack of a postmark. All enlistees will receive a voter registration form upon enlistment. We all know how important that is for those who are serving their country and laying their lives on the line.

State election officials must establish a single office where military and overseas voters can get information on how to vote in that State. For the first time, they will be required to accept ballots mailed early from military personnel whose duties, for example, on a submarine, may prevent them from mailing ballots on a date close to the election. For the first time, we will have a report on the number of applications received and absentee ballots sent out to military and overseas voters, together with the number of those ballots that have been returned. Studies of these numbers may help us determine how to future improve participation and turnout among those voters.

Our election system is dependent on tens of thousands of election officials and 1.5 million volunteer poll workers in over 7,000 jurisdictions serving over 150 million voters across this great country. In the general election for Federal office, all of these people come together during a 24-hour period to chose our leaders. It is an incredibly complicated process that must be choreographed precisely to ensure its success. This means that education and training is critical to the success of our elections system. This legislation provides needed funds to complete that task across the United States.

A provision in this package that has been the subject, frankly, of some controversy is the voter ID provision that was included in the Senate-passed bill and is included in this conference report.

I want to emphasize this provision does not require voters to present an actual photo ID. In recognition of the fact that some citizens do not have such an ID, the bill allows a voter a number of options to identify themselves, including a bank statement, utility bill or government check. The provision applies only to first-time voters who register by mail. Language has been added to ensure it will be administered in a uniform and non-discriminatory manner, Mr. Speaker.

The voter ID provision is very important and will go a long way toward enhancing the integrity of our election process. People should not be permitted to register by mail and then vote by mail without ever having to demonstrate in some fashion they are the actual human being who is eligible to vote. I think this is at least the minimal we can ask.

This provision will help to end the practice of ghost voting, whereby people who do not exist are miraculously somehow able to vote. We should all keep in mind that a person whose vote is canceled out by an illegal vote has been disenfranchised every bit as much as an individual who has simply also been turned away from the polls. In either case, that is not the correct thing to do. This ID provision will protect against fraud of this type, and I am glad the conference saw fit to include it in the package.

Mr. Speaker, the election that took place in November of 2000 demonstrated there are serious problems in our election system. While the initial attention was focused on Florida, we have all learned over the past 2 years that the problems encountered were not unique but in fact were widespread. We just simply did not know it because there was not an election of the magnitude of the presidential that brought all of this to light through the national media.

While the problems varied from State to State, one common problem was a failure to devote sufficient resources to election infrastructure. Not surprising, when State and local officials are faced with the decision of how to spend their limited resources and have to choose between things citizens use every day, like roads and schools, or spend it on equipment that might get used only a couple of times a year, like election equipment, the latter has often come up short; and this bill will help to solve that.

This lack of resources has left States with old and unreliable voting equipment, inadequate training and education of voters and poll workers and, frankly, poor registration systems.

□ 2045

While State and local governments have been charged with the responsibility of running elections for Federal office, they have simply received no assistance from the Federal Government. This bill changes that.

It is time for the Federal Government to provide some funding to make sure that the world's greatest democracy has an election system it can have pride and confidence in. And remember, when we take our thoughts of democracy across the waters and we try to monitor elections, we have to have our own house in order so that we have the confidence that other countries will see that our system is the best it can be.

The Help America Vote Act will provide Federal financial assistance to the tune of $3.9 billion in authorized funding over the next 3 years. We can no longer ask State and local governments to bear all of the expense without any assistance from us.

I would also note that according to figures from the Congressional Research Service and the State Department, the United States has spent more than $3 billion over the past 7 years to promote democracy abroad. I support that; I think we need to be promoting democracy in other countries. I just believe we need to start spending some Federal dollars to bolster our own democracy here at home.

I would also note that meeting the requirements of this act will not be cheap. If we want and expect State and local governments to meet the requirements we are imposing on them, we will have to provide the funding that will make it possible for them to do so. If we do not, we have done nothing more than pass another unfunded mandate to the States, and we do not want to do that. This bill will cause States and localities to fundamentally restructure their election systems in a host of tremendous ways. We need to provide the funding to make sure that happens.

In addition to the funding it provides, the bill will assist the States with their election administration problems by creating a new Federal election assistance commission. This independent, bipartisan entity will be responsible for providing advice, guidance, and assistance to the States. It will act as a clearinghouse for information and make recommendations on best practices.

I want to stress that the name of the commission, the Election Assistance Commission, is not an accident. The commission's purpose is to assist States with solving their problems. It is not meant and does not have the power to dictate to States how to run their elections. This will not be a bill where Washington, D.C. turns around and says, this is the way you do it. It will not have rulemaking authority. The fundamental premise of the legislation on the commission was to have no rulemaking authority, and it cannot impose its will on the States; but I have to tell my colleagues, it has a heart to this commission, and it has the ability to make changes.

This commission was an important point the gentleman from Maryland (Mr. HOYER) and I talked about when we devised the Ney-Hoyer bill, because we wanted to make sure it worked for local governments and we wanted to make sure that this would be carried out.

Historically, elections in this country have been administered at the State and local level. This system has had many benefits that have to be preserved. The dispersal responsibility for election administration has made it impossible for a single centrally controlled authority to dictate how elections will be run and thereby be able to control the outcome. This leaves the power of responsibility for running elections right where it needs to be: in the hands of the citizens of this country. Local control has the further added benefits of allowing for flexibility so that local authorities can tailor their procedures to meet demands and unique community needs.

Further, by leaving the responsibility for election administration in the hands of local authorities, if a problem arises, the citizens who live within their jurisdictions know whom to hold accountable. The local authorities who bear the responsibility cannot now and not in the future be able to point the finger of blame at some distant, unaccountable, centralized bureaucracy.

By necessity, elections must occur at the State and local level. One-size-fits-all solutions do not work and only lead to inefficiencies. States and locales must retain the power and the flexibility to tailor solutions to their own unique problems. This legislation will pose certain basic requirements that all jurisdictions will have to meet, but they will retain the flexibility to meet the requirements in the most effective manner.

State and local officials from every State in America will have a voice on this commission. While the commissioners will have expertise and experience with election issues and administration, they can still benefit from the advice and council of those who are on the ground, running elections around this country. State and local election officials in each State will ultimately bear the responsibility for carrying out the commission's recommendations so their voices must be heard as these guidelines and recommendations and best practices are developed.

The Help America Vote Act strikes the appropriate balance between local and Federal involvement. It provides for Federal assistance, acknowledging the responsibility we share to ensure that the elections that send all of us to Washington are conducted properly, without concentrating power in Washington in a manner that will prove at best ineffective, and at worst dangerous.

This conference report has received the support of a very diverse group of organizations that care about how elections are run in this country. I would like to introduce into the RECORD the statements of support from the following organizations: the National Commission on Federal Election Reform (Ford-Carter Commission), National Conference of State Legislatures, National Association of Secretaries of State, National Association of Counties, The Election Center, National Federation of the Blind, Common Cause, National Association of State Election Directors, United Auto Workers, AFL–CIO, NAACP, American Foundation for the Blind, National Association of Protection Advocacy Systems, and United Cerebral Palsy Association.

Mr. Speaker, let me also say that I have presented the thrust of the bill, I have presented the heart of the bill. We have a couple of speakers, and then I am going to conclude by also telling how this bill got here.

[Media release from the National Commission on Federal Election Reform]

FORMER PRESIDENTS FORD AND CARTER WELCOME THE AGREEMENT REACHED BY THE CONGRESS ON ELECTION REFORM LEGISLATION

Oct. 4, 2002.—Today, former Presidents Gerald R. Ford and Jimmy Carter, along with Lloyd Cutler and Bob Michel, co-chairs of the National Commission on Federal Election Reform, welcomed the bipartisan agreement struck by the House and Senate Conference Committee on a bill to reform federal elections.

''The bill represents a delicate balance of shared responsibilities between levels of government,'' Ford and Carter said. ''This comprehensive bill can ensure that America's electoral system will again be a source of national pride and a model to all the world.'' Indeed, all four of the co-chairs share the belief of Congressman John Lewis (D–GA) and others that, if passed by both Houses and signed by President Bush, this legislation can provide the most meaningful improvements in voting safeguards since the civil rights laws of the 1960s.

For more information on the National Commission on Federal Election Reform, please contact Ryan Coonerty at 202–321–8862 or Margaret Edwards at 434–466–3587.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, October 7, 2002.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee, Capitol Building, Washington, DC.

Hon. BILL YOUNG,
Chairman, House Appropriations Committee, Capitol Building, Washington, DC.

DEAR CHAIRMEN BYRD AND YOUNG: On behalf of the nation's state legislators, we urge to make reform of our nation's election processes a reality by providing sufficient funding to implement H.R. 3295. The conference agreement announced today will provide an effective means for states and counties to update their election processes without federalizing election administration. NCSL worked closely with the conferees in the development of this legislation and is satisfied that it keeps election administration at the state and local level, limits the role of the U.S. Justice Department to enforcement, does not create a federal private right of action, and establishes an advisory commission that will include two state legislators

to assist with implementation. NCSL commends the conferees for their work on this landmark legislation and is committed to implementing the provisions of H.R. 3295 to ensure every voter's right to a fair and accurate election.

To ensure proper implementation and avoid imposing expensive unfunded mandates on the states, it is critical that the federal government immediately deliver sufficient funding for states to implement the requirements of this bill. Neither of the existing versions of appropriations legislation provides sufficient funding for election reform. We urge you to fully fund H.R. 3295 at the authorized level of $2.16 billion for FY 2003.

The Congressional Budget Office has estimated that it may cost states up to $3.19 billion in one-time costs to begin implementing the provisions of this legislation. In this current fiscal environment, it will be extraordinarily difficult for states to implement the minimum standards in the bill without immediate federal financial support. States are already facing budget shortfalls for FY 2003 of approximately $58 billion. Thirteen states have reported budget gaps in excess of 10 percent of their general fund budgets. To satisfy their balanced budget requirements, states are being forced to draw down their reserves, cut budgets, and even raise taxes.

We look forward to working with you to keep the commitment of the states and the federal government to implementing H.R. 3295. If we can be of assistance in this or any other matter, please contact Susan Parnas Frederick (202–624–3566; susan.frederick@ncsl.org) or Alysoun McLaughlin (202–624–8691; alysoun.mclaughlin@ncsl.org) in NCSL's state-federal relations office in Washington, D.C.

Sincerely,

Senator ANGELA Z. MONSON, Oklahoma,
President, NSCL.
Speaker, MARTIN R. STEPHENS, Utah,
President-elect, NCSI.

NATIONAL ASSOCIATION OF SECRETARIES OF STATE,
Washington, DC, October 9, 2002.

COMMITTEE ON HOUSE ADMINISTRATION,
Longworth Building,
Washington, DC.

DEAR CHAIRMAN NEY AND RANKING MEMBER HOYER: The National Association of Secretaries of State (NASS) congratulates you on the completion of H.R. 3295, the ''Help America Vote Act.'' The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd, Mitch McConnell and Kit Bond.

The nation's secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The ''Help America Vote Act'' serves as a federal response that stretches across party lines and provides a substantial infusion of federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

Upgrades to, or replacement of, voting equipment and related technology;

Creation of statewide voter registration databases to manage and update voter registration rolls;

Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states;

Increases in the quality and scope of voter education programs in the states and localities;

Improvement of ballot review procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes;

Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities;

Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote.

We want to make sure the states will get the funding levels they've been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation's secretaries of state are ready to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office at (202) 624–3525.

Best regards,

DAN GWADOSKY,
NASS President,
Maine Secretary of State.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 9, 2002.

Hon. BOB NEY,
Chairman, House Administration Committee, House of Representatives, Longworth House Office Building, Washington, DC.
Hon. STENY HOYER,
Ranking Democrat, House Administration Committee, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN NEY AND REPRESENTATIVE HOYER: We would like to congratulate you and thank you for your leadership, perseverance and hard work in reaching agreement in the House-Senate conference on the ''Help America Vote Act of 2002.'' We believe the final bill is a balanced approach to reforming election laws and practices and to providing resources to help counties and states in improving and upgrading voting equipment. The National Association of Counties supports H.R. 3295 as it was approved by the House-Senate conference Committee.

We are very concerned about Congress providing the funds to implement the new law. While there is much confusion at this time about the appropriation process for FY2003, we strongly urge the leadership of the House and Senate and President Bush to support inclusion of $2.16 billion in a continuing resolution. This is the amount authorized for FY2003 by the ''Help America Vote Act.'' We believe that funding and improving voting practices in the United States is as important as our efforts to strengthen homeland security.

Thank you again for your continuing efforts to fund and implement this new law.

Sincerely,

LARRY E. NAAKE,
Executive Director.

ELECTION CENTER,
Houston, TX, October 8, 2002.

Hon. ROBERT NEY,
Hon. STENY HOYER,
Hon. CHRISTOPHER DODD,
Hon. MITCH MCCONNELL,
House Administration Committee and Senate Rules Committee, Washington, DC.

CONGRESSMEN NEY AND HOYER AND SENATORS DODD AND MCCONNELL: On behalf of the elections community of America, I want to congratulate each of you for accomplishing what grizzled veterans said could not be done: you have produced bi-partisan legislation that will help America cure the worst of the problems discovered in Election 2000.

The Election Center neither supports nor opposes legislation—our members nationwide will do that on their own—but we can state what we believe the impact of the legislation will do for American elections.

This bill is not perfect. Few pieces of legislation that deal with complex issues are. And I know that there have been public comments from some quarters that they dislike provisions contained in the legislation. I hope that we all can remember that agreements between the two parties are hard to satisfy when we talk about something as fundamental as the democratic process.

As leaders of the committees of jurisdiction in the U.S. House and the U.S. Senate you have fashioned legislation which does, however, address many of the serious problems discovered in Election 2000. You have found methods which reach and solve many of the real problems and provides a role for each level of government. Real progress is offered in your legislation in assuring Americans that they will be able to go exercise their right to vote and have those votes counted.

Finding the right balance of voter protections, integrity of the process, and yet not upsetting the ability of states and local governments to maintain responsibility for this process has not been an easy task. You have managed to reach consensus that protects the rights of minorities, extends new services to the blind and disabled, to military and overseas voters, and allows the states to help rebuild the infrastructure of elections. The months of delay waiting on bi-partisan legislation have developed a true compromise bill. While perfection may not have been reached, it is a good compromise for our democracy.

Congratulations on a job well done. This is responsible legislation.

Sincerely,

R. DOUG LEWIS,
Executive Director.

NATIONAL FEDERATION OF THE BLIND,
Baltimore, MD, October 9, 2002.

Hon. ROBERT NEY,
Chairman,
Hon. STENY H. HOYER,
Ranking Minority Member,
Committee on House Administration, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN AND CONGRESSMAN HOYER: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Help America Vote Act of 2002. Thanks to your efforts and strong bipartisan support, this legislation includes provisions designed to guarantee that all blind persons will have equal access to voting procedures and technology. We particularly endorse the standard set for blind people to be able to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution proved to be much more difficult to find. Part of that solution will now include installation of up-to-date technology for voting throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come.

With more than 50,000 members representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness

from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we strongly support the Help America Vote Act of 2002 and appreciate your efforts to enact this legislation.

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

COMMON CAUSE PRESIDENT PRAISES ELECTION REFORM AGREEMENT

Statement by Scott Harshbarger, president and chief executive officer of Common Cause, on the conference agreement on the election reform bill:

''The Help America Vote Act of 2002 is, as Senator Christopher Dodd (D–CT) has said, the first major piece of civil rights legislation in the 21st century. Nearly two years after we all learned that our system of voting had serious flaws, Congress will pass these unprecedented reforms.

''For the first time, the federal government has set high standards for state election officials to follow, while authorizing grants to help them comply. Billions of dollars will be spent to across the country improve election systems.

''This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

''As Common Cause knows from a seven-year fight to pass campaign finance reform, compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R–KY), Christopher Bond (R–MO), and Representatives Robert Ney (R–OH) and Steny Hoyer (D–MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

''After the President signs this bill, states will need to act. Implementing this bill will require state legislatures to change laws, election officials to adopt new practices, polling places to alter their procedures, and poll workers to be retrained.

''These far-reaching changes will not come easily. The bill's enforcement provisions are not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may lag behind and fail to implement these changes properly; some polling places will experience problems like in Florida this year; others may have problems implementing the new identification provisions.

''Common Cause and our state chapters will work with civil rights groups and others to ensure that states fully and fairly implement the new requirements. We will help serve as the voters' watchdogs: citizen vigilance can protect voters from non-compliant states.

''Voters can now look forward to marked improvements at the polls in the years ahead, thanks to the bipartisan leadership of the bill's sponsors.''

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS,
October 10, 2002.

Hon. BOB NEY,
Hon. STENY HOYER,
House Administration Committee, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: The National Association of State Election Directors (NASED) congratulates you on the successful completion of the final conference report on H.R. 3295. This initiative will significantly affect the manner in which elections are conducted in the United States. On balance, H.R. 3295 represents improvements to the administration of elections. As administrators of elections in each state we express our appreciation to you and your staff for providing us access to the process and reaching out to seek our views and positions on how to efficiently and effectively administer elections.

As with all election legislation, H.R. 3295 is a compromise package, which places new challenges and opportunities before state and local election officials. We stand ready to implement H.R. 3295 once it is passed by Congress and signed into law by the President. Implementation of this bill will be impossible without the full $3.9 billion appropriation that is authorized. The success of this bold congressional initiative rests in large measure upon the appropriation of sufficient funds to bring the bill's objectives to reality.

We found the bipartisan approach to this legislation refreshing and beneficial. Thank you again for including NASED in the congressional consideration of the bill.

If we can be of further assistance, please contact our office at (202) 624–5460.

Sincerely,

BROOK THOMPSON,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,
Washington, DC, October 8, 2002.

DEAR SENATOR DODD: This week the Senate may take up the conference report on the election reform legislation (H.R. 3295, the Help America Vote Act). The UAW supports this important legislation and urges you to vote for this conference report.

In our judgment, the conference report on H.R. 3295 will make significant improvements in our nation's election system. In particular, this legislation will require the states to allow registered individuals to cast provisional ballots if their names are mistakenly excluded from voter registration lists at their polling places. It also requires the states to ensure that voting machines allow voters to verify and correct their votes before casting them. And it requires the states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. The legislation authorizes substantial new federal funding to help the states implement these reforms.

The UAW urges Congress to closely monitor progress by the states and federal government in implementing the provisions of this legislation. We believe it is especially important to make sure that the voter identification requirements are not implemented in a manner that disenfranchises or discriminates against any group of voters.

Thank you for considering our views on this important legislation to reform our nation's election system.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, October 8, 2002.

DEAR SENATOR: The AFL–CIO supports the conference report on H.R. 3295, the Help America Vote Act.

This conference report will help improve our nation's election system in several important ways. It will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at their polling places. It will require states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Since the actual number of individuals enfranchised or disenfranchised by the conference report on H.R. 3295 will depend on how the states and the federal government implement its provisions, the AFL–CIO will closely monitor the progress of this new law—especially its voter identification requirements. We will also increase our voter education efforts to ensure that individuals know and understand their new rights and responsibilities.

Sincerely,

WILLIAM SAMUEL,
Director,
Department of Legislation.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, October 8, 2002.

Re conference report to H.R. 3295, the Help America Vote Act (election reform).

DEAR SENATORS: The National Association for the Advancement of Colored People (NAACP), our Nation's oldest, largest and most widely-recognized grassroots civil rights organization supports the conference report on H.R. 3295, the Help America Vote Act and we urge you to work quickly towards its enactment.

Since its inception over 90 years ago the NAACP has fought, and many of our members have died, to ensure that every American is allowed to cast a free and unfettered vote and to have that vote counted. Thus, election reform has been one of our top legislative priorities for the 107th Congress and we have worked very closely with members from both houses to ensure that the final product is as comprehensive and as non-discriminatory as possible.

Thus we are pleased that the final product contains many of the elements that we saw as essential to addressing several of the flaws in our Nation's electoral system. Specifically, the NAACP strongly supports the provisions requiring provisional ballots and statewide voter registration lists, as well as those ensuring that each polling place have at least one voting machine that is accessible to the disabled and ensuring that the voting machines allow voters to verify and correct their votes before casting them.

The NAACP recognizes that the actual effectiveness of the final version of H.R. 3295 will depend upon how the states and the federal government implement the provisions contained in the new law. Thus, the NAACP intends to remain vigilant and review the progress of this new law at the local and state levels and make sure that no provision, especially the voter identification requirements, are being abused to disenfranchise eligible voters.

Again, on behalf of the NAACP and our more than 500,000 members nation-wide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638–2269.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN FOUNDATION
FOR THE BLIND,
Washington, DC, October 2, 2002.

Hon. CHRISTOPHER DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3295. We are pleased that the conference report contains the disability provisions of the Senate bill.

Already this year, in some jurisdictions, blind and visually impaired voters have, for the first time, been able to cast a secret and independent ballot. We look forward to the day when all voters with visual impairments will have full and independent access to the electoral process.

The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives. AFB led the field of blindness in advocating the enactment of the Americans with Disabilities Act of 1990 (ADA). Today, AFB continues its work to protect the rights of blind and visually impaired people to equal access to employment, information, and the programs and services of state and local government.

Sincerely,

PAUL W. SCHROEDER,
Vice President, Governmental Relations.

UNITED CEREBRAL
PALSY ASSOCIATIONS,
Washington, DC, October 9, 2002.

DEAR SENATOR DODD: United Cerebral Palsy Association and affiliates support the conference report on H.R. 3295, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way in improving the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3295 is critical, and we pledge to work with Congress to ensure that this funding is made available.

UCP stands ready to assist states' and local entities as they work toward compliance of this very important legislation. The changes outlined in the bill must be adopted swiftly, correctly and fairly, and it will be incumbent upon us all to help in this process.

Finally, UCP applauds you and your colleagues on your dogged determination to pass legislation that will make distinct improvements at the polls and in the lives of voters with disabilities.

Sincerely,

PATRICIA SANDUSKY,
Interim Executive Director.

NATIONAL ASSOCIATION OF
PROTECTION & ADVOCACY SYSTEMS,
October 9, 2002.

Hon. CHRIS DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Protection and Advocacy System (P&A) and the Client Assistance Programs (CAPs) comprised a federally mandated, nationwide network of disability rights agencies. Each year these agencies provide education, information and referral services to hundreds of thousands of people with disabilities and their families. They also provide individual advocacy and/or legal representation to tens of thousands of people in all the states and territories. The National Association for Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network. In that capacity, NAPAS wants to offer its support for the passage of ''The Help America Vote Act of 2002 (H.R. 3295).

NAPAS believes that the disability provisions in the bill go far to ensure that people with all types of disabilities—physical, mental, cognitive, or sensory—will have much improved opportunities to exercise their right to vote. Not only does this bill offer individuals with disabilities better access to voting places and voting machines, but it also will help provide election workers and others with the skills to ensure that the voting place is a welcome environment for people with disabilities. NAPAS is very pleased that P&A network will play an active role in helping implement the disability provisions in this bill.

NAPAS is well aware that there are still some concerns with certain provisions of the bill. We hope that these concerns can be worked out, if not immediately, then as the bill is implemented. It would be extremely unfortunate if people continued to face barriers to casting their ballot after this bill is signed into law.

Finally, we want to thank the bill's sponsors, Senators DODD (D–CT) and MCCONNELL (R–KY) and Representatives NEY (R–OH) and HOYER (D–MD) for their hard work and perseverance. We look forward to working with each of them to ensure the swift and effective implementation of this important legislation.

Sincerely,

BERNADETTE FRANKS-ONGOY,
President.

FEDERAL ELECTION COMMISSION

VOTING SYSTEM STANDARDS—SECTION 3.2.1

3.2.1 Accuracy Requirements

Voting system accuracy addresses the accuracy of data for each of the individual ballot positions that could be selected by a voter, including the positions that are not selected. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error. Required accuracy is defined in terms of an error rate that for testing purposes represents the maximum number of errors allowed while processing a specified volume of data. This rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.

The error rate is defined using a convention that recognizes differences in how vote data is processed by different types of voting systems. Paper-based and DRE systems have different processing steps. Some differences also exist between precinct count and central count systems. Therefore, the acceptable error rate applies separately and distinctly to each of the following functions:

a. For all paper-based systems: (1) Scanning ballot positions on paper ballots to detect selections for individual candidates and contests; and (2) conversion of selections detected on paper ballots into digital data.

b. For all DRE systems: (1) Recording the voter selections of candidates and contests into voting data storage; and (2) independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.

c. For precinct-count systems (paper-based and DRE): Consolidation of vote selection data from multiple precinct-based systems to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data.

d. For central-count systems (paper-based and DRE): Consolidation of vote selection data from multiple counting devices to generate jurisdiction-wide vote counts, including storage reporting of the consolidated vote data.

Fort testing purposes, the acceptable error rate is defined using two parameters: the desired error rate to be achieved, and the maximum error rate that should be accepted by the test process.

For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 3 minutes.

Twenty-three months ago, uncertainty gripped our great democracy. The United States of America, the wealthiest and most technologically advanced Nation in the world had failed, in my opinion, its most basic election duty: the duty to count every citizen's vote and count it accurately.

The votes of an estimated 4 million to 6 million Americans went uncounted in November of 2000. This national disgrace cried out for comprehensive Federal reform. Thus, I am proud today to strongly support the historic, bipartisan conference report before us, the first Civil Rights Act of the 21st century.

The Help America Vote Act of 2002 is the most comprehensive package of voting reforms since enactment of the Voting Rights Act of 1965. The conference report authorizes unprecedented Federal assistance: $3.9 billion over 3 years to help States improve and upgrade every aspect of their election systems. This funding will replace outdated voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places accessible for the disabled.

Furthermore, this legislation prescribes an array of new voting rights and responsibilities. States will now be required to provide provisional balance to ensure no voter is turned away at the polls. It requires that we give voters the opportunity to check for and correct ballot errors. It provides at least one voting machine per precinct that allows disabled voters, including those with visual impairments, to vote privately and independently; and it provides for an implementation of a computerized statewide voter registration database to ensure accurate lists.

In addition, the conference report will require States to set standards for counting ballots and to define what constitutes a vote. To ensure the integrity of our election system, first-time voters who register by mail will be required to produce some form of identification and States will be obligated to maintain accurate voting registration lists.

This legislation, Mr. Speaker, also establishes a bipartisan 4-member elections assistance commission which will issue voluntary guidelines regarding

voting systems, administer grants, and study election issues. To ensure compliance, the conference report requires States to set up administrative grievance procedures. The U.S. Department of Justice will also be responsible for Federal enforcement.

Finally, let me remind my colleagues that passage of this conference report does not finish the journey. We now have, in my opinion, Mr. Speaker, a moral opportunity to ensure that this authorization is fully funded. I urge my colleagues to support this conference report. It will strengthen the foundation of democracy and shore up public confidence in this most basic expression of American citizenship, the right to vote and to have one's vote counted.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I rise to engage the chairman of the Committee on House Administration and sponsor of this legislation in a brief colloquy.

I commend the chairman's effort in crafting this important legislation and bringing it before us today. In particular, I wish to thank him and his staff for working so closely with me in incorporating provisions of H.R. 2275, which I introduced with the gentleman from Michigan (Mr. BARCIA) and which was passed by the Committee on Science last year. My legislation established an independent commission charged with developing technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. This concept is included in the conference report in section 221 in the form of the Technical Guidelines Development Committee.

The conference report charges this committee with the duty of developing voluntary voting system guidelines and then recommending these technical standards to the newly created election assistance commission.

I am seeking clarification from the chairman that it is his intent that these guidelines should include standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems, including those areas described in section 221(e)(2).

Mr. Speaker, I yield to the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, to respond to this request.

Mr. NEY. Mr. Speaker, the gentleman's interpretation of the language in the conference agreement is correct.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his assurance and for his hard work on this conference report.

Mr. Speaker, reclaiming my time, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002. I thank the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), the ranking member, for their hard work on this. We have all worked very hard to produce this bill, but their leadership is what pulled it through.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late-night talk shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now-infamous hanging chad. Because of Florida's problems, the most precious component of our democracy, the expression of the free will of individual voters, was turned into a battle between attorneys. After the dust settled, we put Florida's voting system under a microscope and analyzed the flaws that troubled citizens and legislators alike.

After the Florida voting problems occurred, I, as a scientist, quickly realized that we needed to improve the technical flaws in our voting systems before State and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Cal Tech came to the same realization and launched a joint research project to uncover the technicals flaws in our voting systems and equipment. I thank them for their work and for their cooperation with us in this area.

After careful analysis of the problem and the MIT and Cal Tech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker, could sabotage some computer voting systems and make them display erroneous vote totals. In response to these problems, I drafted H.R. 2275 in conjunction with my colleague, the gentleman from Michigan (Mr. BARCIA).

In analyzing flaws of voting equipment, one of the key issues I identified was that the FEC's standards for voting equipment had been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment, because while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment.

I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all of our commerce rests on reliable universal standards.

□ 2100

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel chaired by the director of the National Institute of Standards and Technology. This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards.

Finally, the Commission will publish a central list of systems that are certified as meeting the current Federal standards. Since these standards are voluntary, States are still free to choose voting systems that are not certified, but now State election officials will be able to use this list to guide the purchasing decisions. This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system.

With these provisions, voters can rest assured that casting their vote on equipment that meets the new Federal standards will mean that their vote counts.

I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts, we must also ensure these votes are not diluted by fraudulent votes. This bill will guard against fraud of many different types and will ensure that votes will be recorded accurately. We certainly do not want a return to the Tammany Halls or the Boss Prendergasts of the past.

Once again, I thank the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for working with me to incorporate my thoughts in this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support this bill.

Mr. Speaker, I rise in support of the conference agreement on H.R. 3295, the Help America Vote Act of 2002.

For a month after the November 2000 election, we watched in disbelief as Florida's troubled election system became a national drama and fodder for the late night network shows. Polling station workers across Florida struggled to discern the true intent of a voter based on their interpretation of the now infamous ''hanging chad.'' Because of Florida's problems, the most precious component of democracy—the expression of the free will of individual voters—was turned into a battle between lawyers. After the dust settled, we put Florida's voting system under a microscope and analyzed the flaws that troubled citizens and legislators alike.

But the problems Florida faced weren't unique, nor were they new. Fraud, outdated and inadequate voting equipment, poor access for handicapped voters, poor training of polling station workers, and voter disenfranchisement have occurred in local, state, and national elections for years. But it took Florida's elections to spur Congressional action to correct these flaws. We can be proud that the agreement before us today addresses, and takes

action to correct, each of these issues, among others.

After the Florida voting problems occurred, as a scientist I quickly realized that we needed to improve the technical flaws in our voting systems before state and local officials made large investments of taxpayer dollars in new voting equipment that may, in fact, be substandard. Scientists at MIT and Caltech came to the same realization and launched a joint research project to uncover the technical flaws in our voting systems and equipment. I thank them for their work and for their collaboration with me in this area.

After careful analysis of the problem and the MIT and Caltech study, I was appalled to discover many potential problems. For example, a high school computer hacker, or any other hacker could sabotage some computer voting systems and make them display erroneous vote totals. In response I drafted H.R. 2275, in conjunction with my colleague from Michigan, Mr. BARCIA, to address the many problems we found. In analyzing the flaws in voting equipment, one of the key issues I identified was that the Federal Election Commission's standards for voting equipment have been woefully inadequate for many years. It was very clear that we needed legislation to improve the process for developing technical standards for voting equipment, and H.R. 2275 was designed to address this need. My legislation was reported out of the House Science Committee with the encouragement of Science Committee Chairman BOEHLERT.

The legislation before us today contains almost all of H.R. 2275's provisions. It will improve voting equipment because, while we can debate the particulars of how to administer an election or which voting equipment to buy, no one will disagree that any voting system should be based on the best possible standards to ensure the usability, accuracy, security, accessibility, and integrity of voting equipment. I know that new technical standards do not capture the public's attention, but they are the very foundation upon which voting accuracy and reliability rests, just as all our commerce rests on reliable, universal standards. From the moment that you walk into a voting booth until your vote is officially recorded, the adequacy of the standards underlying this process will help determine whether or not your vote is recorded correctly. For example, standards help ensure that new ''touch screen'' technology does not bias your vote for one candidate over another, that voting equipment will afford access to all individuals with disabilities, and that your vote will be transmitted securely and recorded correctly.

This conference report takes the concepts from H.R. 2275 and corrects a glaring flaw in our existing technical standards development process by creating a new 14-member panel, chaired by the Director of The National Institute of Standards and Technology (NIST). This panel will develop and recommend voluntary technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems. A newly created Election Assistance Commission will then determine whether or not to adopt these voluntary standards. Once the Commission adopts these standards, labs accredited by the Commission will be able to test voting equipment and certify that new equipment meets the federal standards. Finally, the Commission will publish a central list of systems that are certified as meeting the current federal standards. Since these standards are voluntary, states are still free to choose voting systems that are not certified, but now state election officials will be able to use this list to guide their purchasing decisions.

The legislation also includes a research and development program to support the standards development process and to develop better voting technology and systems. This is critical because research must underpin decisions that the standards development committee will be making. In addition, we need research to help improve our voting equipment and systems for future elections.

This is a relatively simple, straightforward process that will lead to great improvement throughout our voting system. With these provisions, voters can rest assured that casting their vote on equipment that meets the new federal standards will mean that their vote counts. I would also like to point out the strong anti-fraud provisions in this legislation. We must not only guarantee that each vote counts; we must also insure those votes are not diluted by fraudulent votes. While flawed voting equipment can undermine a person's right to have their vote recorded accurately, fraud can undermine our entire voting system. In my 25 years in elected office I have seen voting fraud in many different forms. It occurs more often than the American people know. The anti-fraud provisions in this legislation are common-sense measures that reasonable people will agree that we must have in order to preserve the integrity of our elections. We don't want any new Tammany Halls or Boss Preudergasts in the USA!

I want to thank Chairman NEY and Ranking Member HOYER again for working with me to incorporate my thoughts on this legislation. I believe our collaboration has made a good bill even better, and I urge all of my colleagues to support the bill.

Mr. HOYER. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. CONYERS), one of the most senior Members of this House, the ranking member of the Committee on the Judiciary, a giant in the civil rights movement of this country, whose voice is always heard on behalf of those who are dispossessed, downtrodden, or discriminated against. It is an honor to be his friend and an honor to serve with him in this House.

Mr. CONYERS. Mr. Speaker, I want to thank the manager, the gentleman from Maryland (Mr. HOYER), for his kind introduction, but, more importantly for what he did to help us come here today; on February 28 for his bill; on March 27 for my bill. We have been working tirelessly, and I have come to know the gentleman from Iowa (Mr. NEY), the chairman of the committee that had jurisdiction. I commend him. We have come a long, long way together.

I am very grateful to the gentleman from Michigan (Mr. EHLERS) for his technological contributions.

To the gentlewoman from California (Ms. WATERS), who headed the Election Reform Task Force for the Democratic Caucus, I praise her, whose study was a classic, along with that of the Commission on Civil Rights, the Carter-Ford Election Reform Commission, and more than a dozen other historic studies that have gone into this measure.

I am also pleased to have had and enjoy the support of the caucus of which I am a dean, the Congressional Black Caucus. I am very grateful to all of them for their work, not just in forming the legislation and contributing to the process, but going to Florida and going across the country and putting their time in.

I am looking at the gentlewoman from Florida (Ms. BROWN) in particular, who I appreciate; and our other sister on the Committee on the Judiciary, the gentlewoman from Texas (Ms. JACKSON-LEE); and the Chairperson of the caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who was heroic in this matter.

So I stand here, Mr. Speaker, commending all of our friends. I cannot omit the chairman of the committee in the Senate, CHRIS DODD, who worked tirelessly for 18 months to bring us to this point, a point that was brought to us by the fact that 6 million votes were thrown out in the last Presidential election. Forty-seven percent of the disabled encountered physical barriers at the voting place, and 10 times as many African American voters in Florida were likely to have had their ballot discarded in the last Presidential election. So we have worked on a bill with major standards.

What does this bill do?

One, nobody can spoil a ballot anymore in America when this bill becomes law, no way. If you vote, the machine selected by the State, or another apparatus, has to make sure that the voter has not spoiled his ballot or her ballot before they walk out of that booth.

Number two, there is provisional voting, so any election dispute is protected; that one is not sent to a phone number that nobody ever answers or a building where the office is closed. The vote is allowed in a separate stack, and then the determination that it be included or not is a permanent record kept to be re-examined by the voter or authorities.

Three, it says that that voting site must be accessible to the disabled.

Finally, we have provisions written about language requirements. Many people went to the polls and could not read the English language carefully or clearly enough.

Then, of course, there is $3.9 billion of funds.

The last point, this is not a perfect bill. We fought against voter ID provisions, citizen check-offs, Social Security numbers. We are going to watch it carefully in the next Congress. If it requires correcting, everybody on this side of the aisle and the chairman of the subcommittee promises that we will take whatever corrective action is necessary.

I thank Congress for their efforts in this movement.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his contribution; but not just tonight, I thank the gentleman for his contribution over a career of fighting for people and ensuring that their rights are observed and expanded.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GONZALEZ), the son of an extraordinary Member of this House who fought for the little people of America all the time and was a giant in this House; and his son, of which he would be supremely proud, promises to be equally committed to people.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

To my esteemed colleague, the gentleman from Maryland, I thank him very much for those wonderfully kind words. Dad was incredibly unique for many, many reasons; and he is missed.

First, I would like to start off saying that I stand here today in opposition to this bill. It is a difficult time to stand here against a bill that does contain some very good language and make some giant strides in election reform. The drawbacks, though, basically will cancel out the true benefits of this bill.

I will start off by giving credit where credit is due, and that is for everyone who worked so hard out of this House to get out a decent bill that took the best parts of what the Senate had to offer to attempt a compromise, bring it in here in some form that would be acceptable to a majority of the Members. I know that took a lot of work, and there has been progress. I thank the Members for their efforts.

For the first time in the United States election history, an ID requirement is mandated. I attended hearings in Pennsylvania; missed a couple, I believe, in Illinois; was in Florida and Texas, California, because we had committees, we had commissions, that conducted hearings throughout this Nation. Not once, not once was there ever pointed out that there was a problem that would require a national ID requirement. This came out of the clear blue.

The Members that sit in this House tonight will tell us in their conversations, it did not emanate out of this House, not from Members of the House of Representatives.

What am I talking about? I will tell the Members what I am talking about: They have made voter registration, and the very act of voting, more difficult. As good as this bill is, it complicates the process, and it will disenfranchise individuals, individuals that live in my community, because all of the Members run for office. We know the registration process, and we know the voting process because we become part of it, and we are in those neighborhoods.

What this bill does for mail-in registration: no driver's license, no ballot; no utility bill, no ballot; no government check, no ballot; no bank statement, no ballot; no Social Security number, no ballot.

Now, Members may say, we will provide them provisional ballots. Those do not count. Those do not really count. We are talking about what happened in Florida. This gives some sort of a voting right, whatever a provisional ballot really is, because that vote truly is not going to be counted until something is cleared up.

On top of it, on top of it now, we are going to have a driver's license or a Social Security or a special four-digit assigned number. That is not just for mail-in ballots, Mr. Speaker, that is anybody, first-time registrants within a State. Even if they cross the county line, they still go through all of this. If they do not have a driver's license, they should give us the last four digits of their Social Security number. If they do not have that, we will assign them a number.

But if they do have a driver's license, if they do have a Social Security number and we use the last four digits, we need those verified. We are going to have those verified before we have a database system in place by 2004, because all this goes into effect. States will get waivers, move it to 2006. We will not even have the ability to do this.

If any Member has ever been part of a voter registration drive, they know how it is done. There is a deputy that goes up there, because no one can simply go and have something filled out and take it back. They will be asking for the driver's license. They do not have it? Then the Social Security.

But for a mail-in ballot, which a majority of the ballots in my community are submitted in this fashion, why? How long has it been since these Members have actually looked at the voter registration card in their counties? It is simple, it is unique, it is efficient. There has never been a problem that would mandate the type of requirement that we will be instituting on a nationwide basis. This will impact communities. It will impact the Latino communities.

I end by advising everybody that the Mexican American Legal Defense and Educational Fund, the NAACP Legal Defense and Educational Fund, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials, and the National Puerto Rican Coalition all oppose this legislation.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished chairman for yielding time to me, and I thank the ranking member.

Mr. Speaker, let me say, in this great country of ours democracy can only flourish when we make all our voices heard. That is why it is important to do all we can to ensure that no vote is nullified.

I want to commend the sponsors of the Help America Vote Act. Much hard work went into crafting this legislation that seeks to address the problems that plague our Nation's voting system; and when this bill was first debated on the House floor, I sought to offer an amendment to enhance the civil rights provisions of the bill, including ensuring accessibility of polling places, provision for provisional voting, and strengthening the National Voter Registration Act. I am pleased that some of these things were included in the final bill.

□ 2115

However, I want to join my colleague, the gentleman from Texas (Mr. GONZALEZ), in our concerns about other provisions that were added in the conference report. While these new identification provisions may be offered to ensure that our voting system is free of error and fraud, I fear these provisions may lead to further disenfranchise many Latino voters.

Under this bill, a Federal requirement for voter identification is created. This will be the first time ever such a provision exists in our Nation's law. I fear this starts a dangerous precedent. States will be required to ask a voter registration applicant or a first-time voter for a current driver's license number or the last four digits of their Social Security number or have a new four-digit number created and assigned to this applicant.

At a time that we should be encouraging people to come and register and be part of the democratic process, these new requirements add burdensome responsibilities in the process of voter registration and ultimately discourage voters. These people are citizens, and they know that you have to be a citizen to register to vote, which is why this whole other provision of checkoff, of citizenship checkoff, further delays the process and causes the possibility for registrars who may not see that checkoff take place to delay the ability of that individual to ultimately vote.

Lastly, we speak from experience, through manipulation of voter laws and voter intimidation. Many parts of our community and many parts of this country, including in my home State of New Jersey, have had laws used against them to ensure that they cannot vote. So in our objection we are concerned about the implementation of laws as written, and we are raising concerns about the potential or unequal administration of the law. We have seen it happen in the past, and we hope it will not continue in the future.

It is not just Hispanics, by the way. When Wisconsin looked at making changes to their voting laws, they conducted a study that found over 120,000 Wisconsin residents who did not have a driver's license or photo identification cards. Well, individuals such as these have their voices and their votes ultimately will be heard.

I intend to vote for the bill because clearly there are many good provisions in it, and it provides desperately needed resources so that all of our States can update their voting systems, but we want to wave our sabers now and let it be understood that we intend to follow this process every step of the way, through the regulatory process, through what is promulgated in that regard, through its implementation to make sure that no citizen, particularly citizens of Hispanic decent, enter this democratic process with greater difficulty or with the inability to have their vote and their voice considered.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. MENENDEZ) for his comments. I think they were well taken, as the comments from the gentleman from Texas were well taken. And I will join him and I know the gentleman from Ohio (Mr. NEY) will as well to ensure that their fears are not realized.

Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. HOYER) has 18½ minutes remaining. The gentleman from Ohio (Mr. NEY) has 6½ minutes remaining.

Mr. HOYER. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Pennsylvania (Mr. FATTAH), the next ranking Democrat on the committee who has been such a critical participant in forging this legislation.

Mr. FATTAH. Mr. Speaker, let me thank the managers of this bill for their work, not just here on the floor but more importantly in the conference committee. And also I add kudos to Senator DODD, who has really worked hard with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and also to pay deference to the dean, the gentleman from Michigan (Mr. CONYERS).

This is a good bill. It is not, as we now know, a perfect bill; but it is a bill that moves this process forward.

Mr. Speaker, I served as a teller here in the House, and I had to record the results from the Florida election and the Presidential race in the year 2000. And we know that not only were there votes not counted by many in the State of Florida, but throughout this country there are holes in our democracy. And this bill is an attempt to respond to that.

We have worked the will of the conference committee, merging ideas in the Senate and the House. There are things in this bill that I am sure your Senate colleagues would rather not be there and things we prefer not be a part of this bill, but there is a shared consensus of the conferees; and we would hope that it would receive an overwhelming favorable endorsement here in the House, and I think it will move our democracy toward a more perfect Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to cast reflections on the Senate, either positively or negatively on individual Senators.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is on the floor and he is about to leave. With him is his deputy chief of staff, Mr. Stokke. Before he leaves, I want to take the opportunity to thank him and Mr. Stokke. Both of these gentlemen were vitally interested in this legislation. Both were extraordinarily helpful in seeking its passage. The Speaker has committed to the gentleman from Ohio (Mr. NEY) and I that he will work with us to make sure that this obligation is not an unfunded mandate, but in fact that we give the States the resources necessary. I wanted to thank the Speaker before he leaves the floor and thank Mr. Stokke, as well.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. DAVIS), a member of our committee who has been intimately involved throughout this consideration and was so important in making sure that we had a bill that we could pass.

Mr. DAVIS of Florida. Mr. Speaker, I wanted to commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) on their work.

Mr. Speaker, as a Floridian I need to provide a little more sober assessment as to where we are and where we need to go.

I painfully need to first point out that we began discussing this issue right after the November 2000 elections, and it has taken the verge of the next set of elections to revisit the issue. We should not just be talking about this issue at election time. This is a burden we all bear, Federal, State and local. The people that testified before the House Administration Committee pointed out to us that the legislation, if it was going to work, was not just about replacing machines. It was about making sure that we had qualified people who were trained to use the machines. And, unfortunately, once again in my home State of Florida we have provided another painful lesson as to just how right they were.

Let me also point out that tonight is only half the battle. This is an authorization bill; but the guts of the bill, apart from some of the issues that have been discussed earlier, have to do with some of the funding that needs to be provided. I want to urge the President for the first time to stand up and be counted on this and to release the funds that he has sequestered that would provide the first $400 million in installment for this bill and to work with Democrats and Republicans to fund this bill, because without funding, the bill will only be an expression. It will not be action by this Congress.

So this is the beginning tonight. I applaud the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), but we need to get to work on finishing the bill.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who chaired the special committee on election reform and held hearings all over this country and heard from literally hundreds of citizens on the issues confronting them at election time. ''Revitalizing Our Nation's Election System'' is a report issued by the Waters Commission, which was extraordinarily helpful to the gentleman from Ohio (Mr. NEY) and me in bringing this legislation to fruition. I thank her for that. I thank her for the contributions she has made. I am honored to serve with her.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for the hard work they put in trying to get this election law passed so that we would not experience what we have experienced in Florida and other parts of this country.

Mr. Speaker, my ancestors could not vote. My ancestors were blocked from being able to vote with such tactics as forcing them to have to pay poll taxes and take literacy tests. And we saw some of the same kind of tactics used in Florida and some other parts of this country in the national election that basically stunned the world. And so when the Democratic House minority leader, the gentleman from Missouri (Mr. GEPHARDT), asked me to lead the Democratic Caucus Special Committee on election reform, I said, yes, I must do this.

The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period, this committee held six public field hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts.

We heard from election experts and hundreds of voters about what is right and wrong with our election system. I was overwhelmed about the outpouring of interest and the support we received from our Nation's voters.

The conference report before us today authorizes grants to test new voting equipment and increases access to polling places by voters with disabilities. The conference report establishes election standards that require States to allow voters to check and correct their ballots, provide access to disabled voters, allow provisional voting when there is question of an individual's eligibility.

This is not a perfect conference report, and I had to think long and hard about supporting it. I do not like any ID requirements. We do not have any in California. I do not like having to ask people for a driver's license or a Social Security number.

But despite those things that I do not like and what I think is wrong with this bill, I am going to support it because we need to get started with correcting what is wrong with our election systems here in America. And hopefully, we will continue to work on this so that we can come up with perfect legislation to deal with those problems.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments and again would pledge with the gentleman from Ohio (Mr. NEY) and myself and the gentleman from Michigan (Mr. CONYERS) and others to continue to work with her towards those solutions.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. PRICE). The gentleman has been involved with election reform as long as I can remember. He is an extraordinary leader on this bill and in this House on these issues.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the conference report on the Help America Vote Act. I want to congratulate the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentleman from Michigan (Mr. CONYERS), and others who have relentlessly pursued this historic bipartisan agreement.

Mr. Speaker, the problems that Florida experienced at the polling places and its primaries again this year demonstrate that our last national election was not just a once-in-a-life-time phenomenon. The problems that plagued us 2 years ago will continue to occur if we do not take action to address them. This legislation takes that action.

It requires States to meet minimum Federal election standards. It authorizes funds to help implement those standards and to educate voters, improve equipment, train poll workers and improve access for disabled voters. It also incorporates key elements of legislation I helped author, the Voting Improvement Act, H.R. 775, to buy out unreliable and outdated punch card machines, the type of equipment that has the highest error rate.

Mr. Speaker, now more than ever we need to make sure that every American can participate fully in our democratic form of government. We must ensure that every vote is counted. I urge my colleagues to take a significant step towards achieving these goals by joining me in support of the conference report, H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the distinguished chair of the Congressional Black Caucus, who has been involved since the very first day in demanding that we pass election reform, in focusing in on election reform and working towards the adoption of the bill; and I thank her for her efforts.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to use this minute to say that I want to thank the gentleman from Ohio (Mr. NEY), whom I visited the very first day of the session to talk about this, and the gentleman from Maryland (Mr. HOYER), who stayed the course, and Senator DODD and the Senate who led the deliberations in the Senate.

There was such an overwhelming outcry from this Nation and internationally that came to the Black Caucus after January 6, 2001, that we knew we had to act.

□ 2130

This became the number one priority for the Congressional Black Caucus to do something about election reform.

The faith in the system had gone. Today hopefully it will start to restore it. This is not to say this is a perfect bill, but it is to say that it is a major, major step in the right direction; and we hope that the President will keep his word to me. He made it a public statement when he said he will support it, and he would see that the money would be in the budget.

We appreciate it; and, Mr. Speaker, this is the civil rights bill of the new millennium.

Mr. Speaker, I rise today in support of H.R. 3295, a bill that will restore integrity to our nation's voting system. I strongly urge my colleagues to support this legislation.

Mr. Speaker, today is a proud day for the Congressional Black Caucus. Throughout this Congress, election reform has been our number one legislative priority.

On January 6, 2001, our Members walked out of this chamber to protest the voting irregularities and intimidation that resulted in a President who was appointed by the Supreme Court, rather than elected by the people.

We said we would not rest until the right to vote of every American was protected.

Mr. Speaker, I am proud to say that after 21 months of floor speeches and field hearings, we are very, very close to delivering on our word.

Now, this legislation is not perfect. But it is a tremendous step forward. And, with the 2002 elections just a mere 26 days away, and the 2004 elections on the horizon, it's time to move the ball down the field.

It's time to implement the centralized voter registration and standardized balloting called for by this bill.

It's time that we fund training and technical assistance programs to educate poll workers and replace faulty voting machinery.

And it's time to implement provisional balloting, so that no voter will get turned away from the polls if their eligibility is challenged.

These provisions will all go a long way toward correcting the disenfranchisement that we witnessed in 2000.

However, because I believe that these regulations should be enacted quickly, I am concerned that this legislation gives states waivers to push back their deadlines for many of these protections.

I am also troubled that this legislation authorizes funding for these programs without appropriating the $3.9 billion dollars that they will require.

Lastly, for far too long, we have seen voting regulations corrupted and used to deny the votes of millions of people, especially people of color.

We must remain vigilant that the voter protections in this legislation are implemented evenly and effectively. And we must ensure that they are enforced with the full weight of our justice system.

Our work is cut out for us. It is easy to see that this legislation is really only the beginning. But it is a good beginning.

Now, I must thank the Members of the Conference Committee from both Chambers for working many, many late nights to complete their work on this legislation.

In particular, I would like to thank the gentleman from Maryland, Mr. HOYER, who has been battling to extend these important protections to our nation's voters. I would also like to commend Chairman NEY for his work in helping reach this compromise.

Finally, let me thank the Members of the Congressional Black Caucus for their extraordinary work. In particular, I must commend the gentleman from Michigan, Mr. CONYERS, for his leadership in co-authorizing one of the original House election reform bills and for working to ensure that this bill became a reality.

As I conclude, let me remind my colleagues: The time to improve our elections system is now. We must make sure all Americans can register to vote, remain on the rolls once registered, vote free from harassment, and have those votes counted. I believe that this bill achieves those goals.

I call upon my colleagues to vote in favor of this legislation today. Mr. Speaker, we must act before another day has passed.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), a freshman Member of this House, an extraordinary Member of this House, who has been very much involved in the adoption of this bill as former Secretary of State in the administration of elections and a person who has confronted the challenges of barriers to participation. His participation was critical to the passage of this measure.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to be here on this historic day to urge passage of H.R. 3295, the Help America Vote Act. The measure sets minimum standards for elections and provides States with the much-needed resources to upgrade voting equipment, improve election accuracy and provide voter education and poll worker training.

This legislation has rightly been called the first civil rights legislation of the 21st century because it will ensure that all Americans can participate fully in our democracy by being guaranteed the fundamental right to vote.

We would not be here without the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), my good friends on the Committee on House Administration. Their diligent efforts to craft a

bipartisan election reform bill demonstrates the successes that we may enjoy by setting aside our differences and working for the good of the American people. I particularly appreciate their work to make our polling places and election equipment accessible to people with disabilities.

I encourage my colleagues to vote for this measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN), who has stood on this floor, stood up in Florida and stood in every forum to demand that we do what we can to ensure that every person's vote counts.

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, to the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), Congressional Black Caucus, and I have got to say Senator DODD, we would not be here today if it was not for their leadership.

I tell my colleagues this is a great day. I know this is not a perfect bill, but it is the perfect beginning. I say that over and over again because, as I stand here today, 27,000 of my constituents' votes were thrown out because of old equipment. Do my colleagues hear me? Twenty-seven thousand votes that have not been counted to date.

And I want to say to the young people, it does matter who is in charge. It matters who is in charge, and this is the first step that we have taken to correct that, the first step.

I know that all of the civil rights community is not happy with this bill. I am not happy with it. The reason why I am not happy with it is because it took so long to get here. I wanted it here for the midterm elections. It is not, but it will be for the 2004 election.

Mr. Speaker, this is not a perfect bill but, for me, it is the greatest accomplishment of the 107th Congress. The greatest thing we have done is to make sure that what happened in the 2000 election never happens again in this country.

Mr. Speaker, I am here today to say that it matters who is in charge.

To the young people, I want you to know that your vote does matter, and that every vote counts. And voting matters because the person in charge sets the agenda. In Florida, and here in Washington, it is very clear just who is in charge and who is setting the agenda. Clearly, the Republican party thinks it is much more important to cut taxes and send the Federal budget into deficit than to focus on issues like election reform, health care, Social Security, and education.

There is no perfect bill, but this bill is a beginning. It has been 628 days since the 2000 election, and here we are, nearly 2 years later, and have just passed an election reform bill. I am thrilled we finally have an election reform bill though: We now have a bill which gives over $170 million to the State of Florida for election reform, and $3.6 billion to the States overall. Not perfect, but a good start. This bill requires States to do things they should have done long, long ago: Provisional balloting, replacing outdated punch-card voting machines, properly trained poll workers, educating voters, and upgrading voter lists . . . and making polling places more accessible for the disabled.

Everyone in this country and throughout the world knows that the 2000 elections were a complete sham. In my district alone, Florida's Third Congressional District, 27,000 of my constituents' votes were thrown out. Let me repeat that: 27,000. Now I know who won the last election and it was not the person sitting in the White House right now who is guiding this country into war.

And the incredible thing is that since the 2000 elections, in the State of Florida, Governor Bush has only spent $32 million to overhaul the voting system. So, Florida, with 16 million people, spent $32 million, while our neighbor, Georgia, with only 8 million residents, spent $54 million on election reform.

I guess we see where the Florida Governor's priorities lie. He, like the Republican party here in Washington, is mainly interested in tax cuts for the country club group. Election reform just isn't very high up on their list.

In fact, the Governor did not even allow enough time during the Florida primaries to hold mock elections to educate voters and poll workers before the primaries.

Now I know there is no perfect bill, and I know many in the civil rights community and many here tonight are not happy with this compromise. And I am disappointed it has taken so long to reach a compromise and get an election reform bill passed. And I'm unhappy the conference report today will not pass in time to affect the mid-term elections. But I am happy to see we are ending the 107th Congress with a bill, and that we are finally addressing the problem of elections in this country. No, Mr. Speaker, this bill is not perfect, but it is to me, the greatest accomplishment of the 107th Congress, and I urge my colleagues to vote "yes" on the conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members it is not in order to refer to individual Senators except as the sponsor of a measure.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the conference report and important civil rights bill that will make much-needed reforms in the way that we vote. For too long Americans had to deal with outdated polling practices, alleged fraud and confusing voting equipment and inexperienced poll workers. While the bill is not perfect, with this legislation we will begin to make improvements that prevent election controversies that continue to emerge in different parts of the Nation.

I am pleased to see that two provisions that I offered along with the gentleman from New York (Mr. REYNOLDS), my friend and colleague, have been included in the legislation. The bill ensures that overseas voters who fill out an application for voter registration will automatically receive an absentee ballot for two Federal general elections following registration. Additionally, the bill establishes an office in each State to respond to overseas voters inquiries. Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

This is a movement towards truly every vote counting, and I commend the great leadership of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY).

Overseas voters deserve the same opportunities to cast their ballots in elections as those who are able to make it to their local polling place on election day.

I have spoken with Ambassadors, members of the armed services, and other American citizens living abroad who have expressed their desire to establish a more effective voting process for those living overseas.

Our constituents deserve to be a part of the electoral process no matter where they live.

With the passage of this legislation, we will ensure that each citizen's vote truly does count.

I'd like to commend my colleagues Chairman NEY and Ranking Member HOYER for their work on this issue and for bringing this bipartisan legislation to the floor.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from Ohio (Mr. NEY), as well as the gentleman from Maryland (Mr. HOYER) for yielding the time and bringing the bill to the floor, some 20 plus months after the worst catastrophe in American history happened in our country.

The right to vote and have that vote counted is the most sacred thing an American citizen can have, and this bill begins the process of rectifying the very bad past that we experienced in 2000.

I want to commend the work of the committee. I want to work with my colleagues to see it implemented properly. I like the emphasis on high school and college students and voter education.

On that, I want to work with the committee to see that literacy is addressed. Too many people in America cannot read or read between the 4th and 6th grade level. We have got to make sure that the election materials reach that population so that it can vote.

With that, Mr. Speaker, I will cast my vote for this bill and ask that we continue to do the things necessary so all people's vote count and all people who are registered can vote.

Mr. Speaker, I rise today in support of the conference report on H.R. 3295, the Help America Vote Act. I also want to commend

Chairman NEY and Ranking Member HOYER for their hard work on this landmark legislation.

In the aftermath of the 2000 election and the ensuing controversy that prevailed, it became abundantly clear that it was essential for our Nation to overhaul election administration processes. Our consideration of this act could not occur at a more favorable time because the specter of possible voter fraud, voter disenfranchisement and ballot confusion remain.

H.R. 3295 authorizes $3.9 billion over 3 years to help States replace punch card and lever voting machines to improve the administration of elections. As we prepare for midterm elections, once again the political stakes are high.

H.R. 3295 is important legislation because its enactment will enable voters to check for and correct ballot errors in a private and independent manner. The act will also ensure that legitimate voters will not be turned away from the polls. Furthermore, H.R. 3295 requires that States maintain clean and accurate voter lists.

As the Representative for the 15th Congressional District in Michigan, I am acutely aware of the vital importance of empowering every prospective voter. In the recent past, numerous black voters were disenfranchised due to the imposition of insidious practices designed to prohibit voter participation. Literacy tests, poll taxes, and voter intimidation were employed successfully to thwart black voter participation. However, a new day has dawned and Americans can now look forward to the overhaul of election administration.

I do, however, want to alert my colleagues to a concern I have about voter literacy, a problem that affects American voters. The average American reads on a 4th to 6th grade level. Therefore, it is imperative that we take steps to ensure that voting instructions and materials accommodate the literacy level of the average American. I am pleased that the conference report includes provisions to make voting sites accessible to persons with disabilities, and it affirms the Voting Rights Act of 1965. Nonetheless, I continue to have reservations about the potential for voter disenfranchisement.

As a former educator, I recognize the importance of reading and comprehending written material. I refer my colleagues to the provision in the bill that authorizes a total of $3 billion over fiscal year 2003 through fiscal year 2005 that can be used in part to provide voter education. It is my hope that some part of those resources will be used to address voter literacy.

I am pleased to support the conference report, and I am confident the provisions of the bill will usher in critical changes that will serve to enhance the legitimacy of our electoral process.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK), an extraordinary Member of this body who will be leaving this body and we will be poorer for it, who experienced firsthand the trauma of people coming to the ballot box and being unable to cast their vote and being assured that it counts.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER), my good friend, for yielding me the time.

It was once said that all that is required for evil to triumph is for good people to do nothing. We had some very good people doing something on this: the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus, the gentlewoman from Florida (Ms. BROWN) and the entire lot, they wanted to do something, not just say nothing could be done because of the problems. The problems were faced.

We do not have a perfect bill, but we have the very best we could get, and it could not have been done without the people that I just mentioned. So I am glad that I lived to see this bill happen, and we all are very emotional about it because of the fact this, to us, is an emancipation of some of the problems we have had with voting in this country, and I want to thank the writers of this bill and the people who participated in it.

For once, we will go forward to do something better for this country and so that everybody can be created equal.

Mr. Speaker, this Conference Report is an important milestone for democracy in America. I am thrilled that the election reform conferees have heeded the will of the Congress and the American people and reached an Election Reform Conference Agreement that takes enormous steps toward ensuring that every voter counts equally and that every vote cast is counted. Last week, when this House overwhelmingly approved my Motion to Instruct the Election Reform Conferees to produce a Conference Report by October 4, 2002, the prospects for election reform were still very much in doubt.

I congratulate my good friends Representative STENY HOYER, Senator CHRIS DODD, Chairman BOB NEY, Senator MITCH MCCONNELL, Senator CHARLES SCHUMER, Senator KIT BOND, the Chair of the Congressional Black Caucus Representative EDDIE BERNICE JOHNSON, Representative JOHN CONYERS, Representative MAXINE WATERS, Representative CORRINE BROWN, Representative ALCEE HASTINGS, my other CBC Colleagues, and my South Florida Democratic Colleagues PETER DEUTSCH and ROBERT WEXLER on this outstanding achievement.

From the day of the 2000 Presidential election catastrophe in Florida and elsewhere to today, including last month's primary election fiasco in Florida, I vowed that I would not rest until the Congress passed and adequately funded a real election reform bill and the President signed it into law. The Conference Agreement is an important step toward achieving my goal. The next step is to honor our shared commitment to adequately fund the implementation of this legislation through our appropriations process so that we do not create an unfunded mandate for the states.

As many of you know, I had a problem myself in last month's primary election when I stopped by a library branch in my precinct to cast an early vote. I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter. So the need for election reform is not some abstract matter to me. It is something real and very personal. When I said, ''No more Florida voting problems'', I meant it. It remains extremely important to me to achieve real election reform for my constituents before I conclude my congressional service.

Mr. Speaker, the Conference Report is an historic achievement, certainly the most important piece of election and voting rights legislation since the Voting Rights Act of 1965. It will mean millions of dollars in Federal assistance to Florida and every other state and will go a long way toward making voting rights problems, such as those that occurred in Florida, a thing of the past.

The Conference Report contains such important protections as provisional voting, 2nd-chance voting, privacy in voting for voters with disabilities, statewide computerized lists of registered voters, and uniform and nondiscriminatory standards for counting ballots so that your chance to have your vote counted will not depend on where you live. It also authorizes $3.8 billion in funding over the next three years to help states replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled.

When this Conference Report becomes law, no qualified voter can ever again be turned away from the polling place without first being offered the opportunity to cast a provisional ballot. Voters will be able to correct their ballots easily if they make a mistake and vote for the wrong candidate, or nullify their ballot by voting for too many candidates.

Mr. Speaker, this is not a perfect bill. Like virtually every Conference Agreement, the Conference Report is the product of negotiation and compromise. As a result, it contains some provisions from the Senate bill, like the voter ID requirements for first time voters and the related and redundant citizenship check-off declaration, that would not be in the bill if I alone had been able to draft it.

Some civil rights organizations have expressed their concerns that the voter ID provisions and the citizenship check-off requirement could have a discriminatory and disproportionate impact on those prospective voters, such as racial and ethnic minorities, students, the poor, and people with disabilities, who are substantially less likely to have photo identification than other voters. Given my commitment to voting rights, I take these concerns seriously, but, they do not affect my support for this Conference Report.

To address the concerns about voter ID, I urge the Election Assistance Commission to be established by this Conference Report to carefully monitor the implementation of the voter ID requirements by the states so that the Commission may make recommendations for further reform if it uncovers evidence that these requirements are interfering with the opportunity of any qualified voter to vote and have his vote counted.

Mr. Speaker, when the House and the Senate approve this Conference Report and the President signs it, and we fully fund its implementation, we will take an enormous step toward ensuring that all qualified voters receive an equal right to vote and to have their vote counted.

I urge all my Colleagues to support this Conference Report.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), assistant Democratic leader, outspoken strong fighter for a citizen's right to vote, have that vote counted, an extraordinarily effective worker on behalf of the passage of this bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this legislation and thank those who have made it possible.

Not long ago we took our right to vote for granted, but what occurred in Florida 2 years ago and again last month reminded all Americans how very sacred that right is. The right to vote is a cornerstone of our democracy, the most basic and most essential expression of citizenship. When that right is put into doubt, when citizens cannot know that a ballot cast is a ballot counted and that their unique voice has not been heard, it undermines confidence of our entire political system as well as the government formed on the foundation of our ballots.

People must simply have the confidence that their vote counts. That is what this legislation is about. It authorizes nearly $4 billion during the next 3 years to modernize our equipment, poll worker training, voter education, improved voter lists, improved voter access, provisions that would alert voters to improperly marked ballots like those we saw during the last presidential election. It goes a long way toward restoring the integrity of our electoral system.

Our work is not done. We must make sure that the funds for this bill are not merely authorized but appropriated so that this historic legislation does not become just another empty promise. At a time when American leadership in the world is critical, following through reforming on our election system is simply too important to address halfheartedly.

I am proud to support it.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the conference committee who succeeded Barbara Jordan in her seat, an extraordinary fighter for our Constitution and for our people, and she is following in that tradition.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland very much for yielding me the time.

The gentleman from Maryland (Mr. HOYER) did stay the course and the gentleman from Ohio (Mr. NEY), the chairman and the gentleman from Michigan (Mr. CONYERS), and to be admonished, I know I will be, Senator DODD. The work that they all have done has brought us to this place.

When I went to Florida, I saw many people in the aftermath of the 2000 election as we sought the recount; and they were minorities, they were elderly, they were Jewish Americans, they were Hispanic Americans. They were Americans, and each of them said that their vote had not been counted.

Today, let me thank my colleagues because we do have the civil rights act of the millennium but, more importantly, the most historic piece of legislation since the Voter Rights Act of 1965 which helped create the seat that Barbara Jordan held in this United States Congress.

So I am very gratified that we will now have provisional balloting. We will now have State-wide registration. We will now have the ability for disabled individuals to access the voting place. We will now have the ability for funding so that we can get rid of punch cards and we can get rid of paper ballots if the communities desire to do so.

Might I say that I am very grateful as well that the thousands of people who have been purged from the rolls now will have language in this legislation that they must have notice before they are purged. I am grateful that that particular provision that I desired to get in in working with the advocacy groups, we were able to clarify it. Because thousands of persons were purged off the rolls without knowing in the State of Texas, and thousands were purged off in the State of Florida. We have much work to do.

I am opposed to the photo ID. I am opposed to discriminating against people because they are Hispanic or ethnic minorities. The photo ID, let us work on that.

This is a great bill, and I offer my support, but there is more work to be done.

Mr. Speaker, first, I would like to thank Mr. HOYER, Mr. CONYERS, Mr. DODD in the Senate, Mr. HALL and Mr. BARCIA of the Science Committee

I rise in support of the Help America Vote Act, although there are issues that should still be resolved. After the election debacles of the past two years, I had hoped that we could have produced a perfect solution to the problems that plague our voting systems. Unfortunately, we did not. But I feel that that should not keep us from passing this landmark piece of legislation. This is a major civil rights initiative of this century.

The bill we have before us takes a great stride toward giving the American people the fair and efficient system of voting that the American people deserve, but it should not be the final step. Even after this Act is signed into law, as I assume it will be, we must continue to be vigilant—looking for obstacles that disenfranchise legal voters, and removing those obstacles.

As a Member of the Judiciary Committee and of the Science Committee, I have been actively involved in the development of this bill. Indeed, I served as a conferee on several parts of the legislation. In it, there is much in it to be pleased with. Voting is the cornerstone of any democracy, and must be above all suspicion. Every vote should be counted to ensure that every voter is being heard.

One excellent provision of this bill is that it follows the recommendation of the National Commission on Election Reform by taking full advantage of the expertise and experience at the National Institute of Standards and Technology (NIST). NIST has long been reporting on voting standards and technologies, and should be the perfect group to direct and coordinate efforts to develop performance-based standards for voting equipment. Such standards will improve the accuracy, integrity, and security of our polling systems.

When this bill first came out of conference, it included language that would have forced any state employing these standards to pay royalties to the company that developed it, although those standards were developed with taxpayers funds. Thanks to a well-coordinated, bipartisan effort by us conferees from the Science Committee, this language was removed. We also ensured that once standards are created, that NIST will also be charged with accrediting the labs that will certify election equipment, to make it more likely that smart plans will translate into real benefits.

Other victories have come in the field of purging of registered voter lists. Although purging of voter-rolls, may be a well-intentioned attempt to remove inappropriate votes from being cast—such purging has rarely, if ever, been done effectively and fairly. Done improperly, purging can be an expensive tool for discrimination or mistreatment. Consistently through the history of our nation, purging has been a mechanism for silencing minorities, and the socio-economically disadvantaged.

In Florida alone, thousands of eligible voters have been misidentified as being as felons who are unable to vote: 3,700 before election 1998, and 11,000 before election 2000. There is no reason to think that this is a Florida-specific problem. This means that perhaps hundreds of thousands of American citizens, living in the richest Democracy in the world, are having their fundamental right to vote stripped due to clerical errors. This is absolutely unacceptable. I have fought to preserve language in this bill that will ensure that voters are not unfairly purged from the voting rolls. In Texas thousands of voters were purged from the rolls without notice. The language I insisted on adding requires notice to be given to the voter and two federal elections to occur before that voter would be purged.

I know that this is a somewhat contentious piece of legislation. I had hoped that election reform would draw us all together in the name of reaffirming the principles of democracy. There are several groups, whose opinions I deeply respect, who feel we should reject this bill because it is not perfect. They are, as I am, concerned that some provisions—such as the reliance on driver's licenses and social security numbers and utility bills as forms of identification—could be used to disenfranchise the elderly, the disabled, the homeless, racial and ethnic minorities who might not have such documentation. This would bring about a disproportionate burden on voters who deserve to vote and have their vote counted.

We are also worried that simple errors in filling out registration forms—such as the failure to check a box, or to supply a driver's license number—could jeopardize a person's ability to vote. Such restrictions could significantly hamper the efforts of get-out-the-vote campaigns that enable hundreds of thousands of Americans to take part in the Democratic process each election year. There will always be a balancing-act between making it easy for people to vote, and making it difficult for people to commit voter-fraud. Although it is not perfect, I feel the present bill is a decent compromise.

As the world's greatest Democracy, we must ensure that our elections meet the highest standards of integrity. Pushing the cause of Democracy is primary part of our foreign policy. The eyes of the world are upon us every two years as Americans go to the polls. It is a disservice, not only to the American people, but to all people around the world who aspire to our level of freedom—when we sink to the lows that were seen in Florida in 2000, and again this year.

The Help America Vote Act of 2002, will set the bar for our elections, and election-systems of the future. We should always seek to raise that bar as technology improves and obstacles are recognized. However, with elections upcoming, now is the perfect time to demonstrate our commitment to progress in making each vote count. Mr. Speaker, I support the Help America Vote Act, and urge my colleagues to do the same, and look forward to the bill being fully funded.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the Waters Commission on which I also had the opportunity to serve.

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for succeeding in bringing forward an election reform bill that will help move our election system into the 21st century. I thank the gentleman from Maryland (Mr. HOYER) for making this a top priority and relentlessly fighting for its passage.

I had the privilege of being one of the vice chairs of the Democratic Caucus Special Committee on Election Reform under the able leadership of our chairwoman, the gentlewoman from California (Ms. WATERS), who tirelessly traveled the country holding many hearings. From young and old voters, people of color and with disabilities, we heard a clear message. Without minimum election standards and a commitment of Federal dollars, voters will continue to be disenfranchised and history doomed to repeat itself.

I am particularly pleased that this legislation includes a crucial proposal similar to legislation I introduced last year, the Provisional Voting Rights Act of 2001. Under provisional voting, duly registered voters can feel confident that if their name does not appear on the registration list they will be permitted to vote. They will not have to go to a police station or leave the polling place in order to get their provisional ballot.

Any meaningful election reform proposal must include this measure and the Help Americans Vote Act does.

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It is not perfect, but it will bring us closer to ensuring that every citizen can vote and every vote will be counted.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

We come now to the end of this debate. It has been a short debate, too short a debate; but it has been a long road from November 2000 to today. It was a road taken by many people.

Paul Vinovich, the chief counsel of our committee, Chet Kalis, who has done an extraordinary job on this bill and was one of the anchors, in my opinion, as we worked through this bill. Roman Buehler, who had strong contributions to this bill and a great knowledge that he brought to the consideration of this bill. Pat Leahy, who did an extraordinary job himself. Matt Petersen, Maria Robinson, Keith Abouchar, Dr. Abouchar, of my staff, who from the very first of this bill has worked daily on its provisions. Len Shambon, Bill Cable, Matt Pinkus, Noah Wofsy, Bob Bean, Neil Volz, who are no longer with us; and Beth Stein, who now works in the Senate.

All of these staffers have played an extraordinary role.

Mr. Speaker, I acknowledged earlier the Speaker of the House. I want to acknowledge the gentleman from Missouri (Mr. GEPHARDT), who was steadfast in his support of this process and whose help was absolutely critical to the final product and who met with the gentleman from Ohio (Mr. NEY) and me when we requested him to do so to discuss how we could move this bill forward.

And then, Mr. Speaker, let me say to the gentleman from Florida (Mr. YOUNG), who is on the floor here today, that the gentleman from the State of Florida, the chairman of the Committee on Appropriations, my dear and close friend, one of the giants of this institution, his commitment to funding this legislation was and is absolutely critical. He and the Speaker have been extraordinarily supportive. And now we come to a challenge to get the $2 billion that we are going to need for this year and the $1 billion after that and the $1 billion after that to ensure that this is not an empty promise.

Mr. Speaker, there are two bills I think that when I end my career I will look back on as being the most important bills in which I was involved: one that I had the privilege of sponsoring, the Americans with Disabilities Act, and this bill I have had the privilege of cosponsoring with my friend, the gentleman from Ohio (Mr. NEY).

There was an article in the paper just a few days ago talking about the gentleman from Ohio and me and our relationship and how we worked together in a nonpartisan fashion. Not in a bipartisan fashion, but in a nonpolitical, nonpartisan fashion, knowing full well that Americans expect us to work together to make sure this institution works as well as it possibly can, with fairness to all 435 Members. I am blessed by the fact that the gentleman from Ohio is committed to that objective and he runs an open, fair, and effective committee. I am pleased and honored to be his colleague.

I want to say as well that I am honored to have served in this House that has come to this day in a bipartisan fashion. When the roll is called, we are going to see the overwhelming majority of Republicans and the overwhelming majority of Democrats vote to ensure that every American not only has the right to vote but will be assured that this greatest of democracies will ensure that every individual, high or low, black or white, rich or poor, will be assured that their vote will count.

Mr. NEY. Mr. Speaker, I yield myself the balance of my time.

It has been said that this bill will make it easier to vote and harder to cheat, and that is true; but this bill goes way beyond a simple phrase, and I want to thank everybody that has made this bill possible.

I want to thank the people who worked on the Ford-Carter Commission, obviously, Presidents Ford and Carter. Their commission performed a tremendous service and their recommendations had a profound effect. I had the pleasure 2 days ago to be able to talk personally to Presidents Ford and Carter, and they expressed their tremendous support for this measure and their thanks to the Congress for passing it.

I want to thank the members of the conference committee. First, of course, the gentleman from Maryland (Mr. HOYER). If it were not for the gentleman from Maryland, and he came to me and he proposed the ideas and he had a vision, if it were not for him, we simply would not have had the product in the direction obviously out of the House to be where we are at today, and I want to thank him for his integrity. He is a distinguished ranking member. He heeded the call to make elections work, to restore the faith in our system; and without his persistence and gentle persuasion at critical moments, this bill would not have been possible. And I want to thank him for what he has done for his country and for the citizens.

I want to recognize the gentleman from Michigan (Mr. EHLERS), who provided invaluable support for the scientific end of it; the gentleman from New York (Mr. REYNOLDS), whose concern over the rights of military and overseas voters are strongly reflected in this bill; the gentleman from California (Mr. DOOLITTLE), who insisted on strong anti-fraud and privacy protections; the gentleman from Arizona (Mr. STUMP) and the gentleman from New York (Mr. MCHUGH), from the Committee on Armed Services, who helped to make this bill a landmark piece of legislation for military voters; the gentleman from Illinois (Mr. KIRK).

And although he is not a conferee, I want to especially mention the gentleman from Indiana (Mr. BUYER), whose detailed input on the military voting issue significantly improved the bill. The gentleman from California (Mr. THOMAS) and the gentleman from Florida (Mr. SHAW), from the Committee on Ways and Means, should be given the credit for crafting the provisions to protect voter privacy. The gentleman from New York (Mr. BOEHLERT)

and the gentlewoman from Maryland (Mrs. MORELLA) made sure also that the voice of the scientific community came through.

I also want to pay special tribute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip, whose advice and guidance through the process based on his experience as the Missouri Secretary of State was essential to the final compromise.

I also want to thank the Members on the minority side who served on the conference committee: the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Florida (Mr. DAVIS), who are tremendous Members. We are very blessed on House Administration, on both sides of the aisle, to have such terrific members: the gentleman from Missouri (Mr. SKELTON) and the gentleman from Michigan (Mr. CONYERS), who gave advice and who was always willing to be there; the gentleman from Michigan (Mr. BARCIA); the gentlewoman from Texas (Ms. JACKSON-LEE); the gentleman from New York (Mr. RANGEL); and the gentleman from Rhode Island (Mr. LANGEVIN), whose support on the disabilities issue was tremendous; the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who always was concerned through the whole process to be part of it; and many other Members, Mr. Speaker.

I especially wanted to thank also the gentleman from Missouri (Mr. GEPHARDT), who met with the gentleman from Maryland (Mr. HOYER) and me, and also I want to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), whose unwavering support through the past 2 years kept this process on track and has gotten us to where we are today. He had the commitment and the faith this could be done. And Mike Stokke, his staff member.

I want to thank the groups whose efforts and support made this possible: the National Association of Counties, including their staff, Ralph Tabour; the National Association of Secretaries of State, including our Secretary of State Ken Blackwell of Ohio, who picked up the phone on the first day after the gentleman from Maryland (Mr. HOYER) and I got together and said he wanted to be a part of the process to help, through the Secretaries of State; Ron Thornburg, past president of NASS, Secretary of State for Kansas; also Sharon Priest, Secretary of State of Arkansas, valuable input, and their executive director, Leslie Reynolds.

The National Conference of State Legislatures, NCSL, including Speaker Marty Stephens from Utah and staff Susan Parnes-Frederick. The Election Center and their executive director, Doug Lewis. The National Federation of the Blind, including their staff Jim McCarthy. The National Commission on Federal Election Reform, executive director Phillip Zelikow.

And I want to mention our staff for their extraordinary, and I mean extraordinary, efforts. People talk about conference committees. There were discussions and they started at 10 a.m. and they ended at 3:15 and then started the next day at 8 a.m. and they ended at 2:15. There was a great deal of time put in on a very technical bill.

But I want to thank, from the Committee on House Administration, Paul Vinovich, our staff director, Chet Kalis, Roman Buhler, Matt Petersen, Pat Leahy, Maria Robinson, Chris Krueger, and also Will Heaton, our chief of staff of our personnel office, who kept that going. Not with us today, Neil Volz, who was originally in the process, and Jim Forbes, who was press secretary then, and our current press secretary, Brian Walsh. All of them had an integral part in making this happen.

For the gentleman from Maryland (Mr. HOYER) and the staff of the Committee on House Administration, Bill Cable, Keith Abouchar, Lenny Shambon, all were extremely valuable.

Mr. Speaker, I want to thank my wife, Liz, and my son, Bobby, and my daughter, Kayla, for putting up with me not spending enough time with them in the last couple of weeks.

Also the staff of Senator CHRIS DODD: Kennie Gill and Ronnie Gillespie and Sean Marr. The staff of Senator MITCH MCCONNELL: Brian Lewis and Leon Sequeria. For Senator KIT BOND: Julie Damman and Jack Bartling. And especially legislative counsel Noah Wofsy for the House and Jim Scott for the Senate.

From the Senate side, there is no question the integrity, the desire, the vision, the perseverance of Senator DODD. If it were not for that, we also would not be here tonight. He has done something that will live on for a long time, also along with the other two Senators, MITCH MCCONNELL and KIT BOND.

As I said at the beginning of this process, Mr. Speaker, so many months ago, that for this effort to succeed we would have to be doing it in a bipartisan manner. We are about to witness the realization and fulfillment of that prediction.

I am grateful to my friends on the other side of the aisle, as well as on the other side of the Capitol, for their willingness to put partisanship aside and work together to produce this much-needed piece of legislation for the American people.

The United States of America is the world's greatest democracy. We need an election system that is worthy of that legacy. This bill will give us an election system that all Americans can have pride in. Langston Hughes, the poet, wrote, ''Dream your dreams, but be willing to pay the sacrifice to make them come true.'' Our veterans have sacrificed with their blood, from the beginning of this country through the revolution, to make sure we can be here tonight to debate and argue all these points that are important to us. And on top of that, people died to get the right to vote in this country. We cannot forget that.

So, therefore, this bill is important. This is the bill that is going to produce, long after we are gone, the results that we need to have faith in the system.

In closing, Mr. Speaker, we talk about what we can do for our constituency, and there are a lot of issues. We debate important issues, such as if we are going to go to war or not, and issues important to our domestic agenda. But people have to be here to be able to vote on those issues. They have to be elected at all levels throughout the United States. And the greatest gift we can give, as Members of this House tonight, the greatest gift we can give to our constituency is to vote for this measure and take back to our constituency the ability to have them have faith in the system; a knowledge that tonight America did her work on the floor of this House, as boards of elections do their work every single election across our great country.

And also Members can take the gift back to their people that tonight the body politic worked for the good of the people. The body politic did something that, again, long after we are gone, people will benefit from. Tonight America shines. We need everyone's vote and support.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to express my support for the conference bill on election reform, H.R. 3295. Members of both parties have worked very hard to reach agreement on this measure over several months. Although I am concerned that some of the bill's provisions relating to voter identification will not make it easier for new voters to cast their ballots, I believe this legislation represents significant progress in addressing the problems we witnessed in our last national election.

I am especially pleased that the language in this bill relating to the accessibility of voting systems for people with disabilities reflects the stronger provisions for participation outlined in Mr. LANGEVIN's July 9 motion to instruct, which I and several of my colleagues cosponsored.

Thanks to Mr. SHIMKUS and Mr. EHRLICH for their help in making the conferees aware of the importance of these provisions. Their recognition that this bill must ensure people with disabilities will be able to exercise their fundamental right to cast a secret ballot demonstrates that full participation in the electoral process by all Americans is truly a bipartisan concern.

I commend the members of the conference committee for their work on this bill and I urge its passage.

Ms. SOLIS. Mr. Speaker, I rise to express my concerns about the Help America Vote Act Conference Report, H.R. 3295. I am pleased that this conference report includes provisions that help voters in the greater Los Angeles area. For example, it provides money for the upgrade of our voting system. This will greatly assist the Los Angeles County Registrar Recorder and County Clerk transition out of the punch-card voting system.

However, I'm disappointed that this conference agreement also includes provisions that can lead to the disproportionate disenfranchisement of our Nation's minority voters. It requires first-time voters who register by mail

to bring current photo identification to the polls or a copy of a current utility bill, bank statement, paycheck, or other government document that shows the name and current address of the voter. Our Federal courts have recognized that the use of a photo ID causes a disparate impact on ethnic and racial minority communities. Nevertheless, the photo ID requirement is still part of this bill.

Also problematic is the variation in consequences for failing to meet presumably equal voting prerequisites—being a citizen and being over the age of 18. Unfortunately, this bill has harsher consequences for voters who inadvertently forget to check a box affirming their citizenship than for voters who forget to certify they are 18 or older. This may lead to the disenfranchisement of voters who are English language learners or new to the voting system, including Latinos and Asians.

In addition, I am concerned about the provision that restricts access to information about provisional ballots to the individual who cast that ballot. Unquestionably, the confidentiality of votes cast as well as personal information should be protected. But information about provisional ballots such as where they were issued, should not be hidden from commissions that review and ensure fair voting. Based on this provision, it is unclear if commissions would have full access to information that would help them determine any inconsistencies in the provisional voting process.

While this bill is called the Help America Vote Act, I am afraid it may not help the fastest growing population in America—Latinos—vote.

Mr. HOLT. Mr. Speaker, I support the Help America Vote Act and applaud Representatives HOYER and NEY for their good work on this legislation.

The turmoil surrounding the 2000 Presidential election showed our Nation that we need to improve the instruments of voting and the means of electing our office holders. Even the Supreme Court Justices spoke of the need for uniform voting procedures. This bill does much to advance democracy.

Many of the problems with our electoral process lie in the disparities of our voting system. For instance, while some counties have modern voting machines that leave little room for error, others use dated punch-card ballots that can lead to the now-famous hanging and dimpled chads. In fact, studies show that 18 percent of Americans vote using technology that prevailed around the time Thomas Edison invented the light bulb. And nearly 33 percent of Americans vote by punching out chads, a system implemented during the Johnson administration. Yet many States and localities continue to use these outdated systems because of the exorbitant cost to replace them.

This bill takes many important steps towards that much-needed electoral reform. The Help America Vote Act would create the Election Assistance Commission and authorizes studies to analyze issues ranging from ballot design to voter accessibility.

However, this legislation goes beyond studies and agencies. It would authorize over $400 million to buyout existing punch card voting devices from states and counties. Moreover, this legislation will provide $2.25 billion to establish and maintain more accurate voter registration lists.

The bill also establishes minimum standards for State election systems. These standards include uniform means for determining what constitutes a vote on different types of equipment, sets new standards to accommodate individuals with disabilities, gives voters the opportunity to correct voting errors, ensures that uniformed and overseas voters have their votes counted, and requires more accurate registration lists.

Moreover, this bill authorizes the Attorney General to monitor and enforce these standards.

I am happy to support this bill as a step ahead in civil and voting rights.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the Help America Vote Act, a bill that is the product of many days and nights of hard work on both sides of the aisle and both Houses of Congress. It is the product, too, of the collaborative efforts of the Science Committee and the House Administration Committee.

This bill is a carefully constructed compromise. It expands the right to vote by requiring that states allow provisional voting. It includes commonsense measures to prevent fraud. And, by providing over $3 billion to States to buy out antiquated voting machines, train poll workers, educate voters, and improve the administration of Federal elections, the bill helps ensure that fiscally strapped States and localities will still be able to meet the tough requirements the bill imposes.

But perhaps one of the most fundamental reforms—taken from provisions passed by the Science Committee last year—is the improvement the bill makes in the way technical standards are developed for voting equipment. Most Americans pay no attention to this arcane field of technical specifications, tolerances, and error rates—and that's as it should be. For when it goes right, no one notices.

But when it goes wrong—when the chads of punch card ballots don't align correctly, or when electronic voting machines automatically shut down before the polls are supposed to—the entire world quickly becomes all too familiar with its technical vocabulary.

Strong technical standards will become even more important as the country strives to live up to the new requirements of this bill, especially the requirement that each state compile a computerized database of all its registered voters. Such lists will surely make vast improvements in how America votes, but if they are not also to expose us to the misdeeds of hackers and other cyber criminals, we must develop robust computer security standards to protect these systems.

I want to thank Mr. NEY, the chairman of the House Administration Committee, for his hard work on crafting this bill and his willingness to include provisions of the Science Committee's to strengthen the way critical, but often overlooked, voting equipment standards are developed.

I urge my colleagues to support this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise to talk about a piece of legislation that, if passed, will remove the barriers that have blocked many American citizens' right to vote. If Congress agrees to the passage of H.R. 3295, the Help America Vote Act of 2002, antiquated machines will be replaced, adequate assistance will be provided for our Nation's elections, nondiscriminatory and uniform requirements would be enforced, improved military and overseas voters ballot access will be provided, and the opportunity for young Americans to be involved in the voting process will be established.

Without legislation that helps Americans to have their vote count, barriers of participation will continue to plague many of our communities, and; therefore, increase the growing number of outdated voting equipment, alleged intimidation by police and lack of translators, as mandated by law.

As recent as the last Presidential election, the National Association for the Advancement of Colored People, NAACP, requested an investigation into the voting practices. The 14th amendment, which ensures equal protection under the law, was the basis for the Supreme Court's decision not to allow recounting in Florida. Ironically, an amendment designed in 1866 to protect the rights of minorities was used to protect a system which disenfranchised them in 2000.

It is also interesting that in addition to the votes that were not counted in Florida, there were voting irregularities in the 11th Congressional District of Ohio. Thousands of voters on the mostly African American east side of Cleveland, OH, went to vote, only to be turned away. Because of a 1996 State law cutting Cleveland precincts by a quarter, their polling places had been changed. The Cuyahoga County Board of Elections said that it sent postcards to registered voters telling them of the switch. But of 85 African Americans who were asked about the postcards during 2½ days of interviews done by the Los Angeles Times, only one said he received notification.

''I never got a card, never,'' said Francis Lundrum, an East Cleveland native. He said he bellowed at an election worker: ''I am a veteran of the United States armed forces! I want to vote!''

It did no good.

Lundrum and the others who were turned away should have been given provisional ballots, to be certified later. Among those who did not get a voting ballot was Chuck Conway, Jr., who stated, ''I think there was some stinky stuff going on.''

As a U.S. Representative, it truly saddens me to hear of voting irregularities, not only with my constituency, but to all who were not afforded the right to have their vote count. I urge my colleagues to seriously consider what will happen to the future of our democratic process if we do not pass this sensible piece of legislation. It is my hope that for our next general election cycle, Americans can proudly say that every vote does count. I urge my colleagues to vote in favor of H.R. 3295.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of the conference report on H.R. 3295, the Help American Vote Act. I wholeheartedly endorse the meaningful collaboration of the bipartisan group, led by my colleagues Congressman NEY and Congressman HOYER.

The Help American Vote Act corrects the mistakes with our election system that were highlighted in the aftermath of the 2000 election. I have seen firsthand the challenges inadequately equipped polling places and poorly trained poll workers pose to our communities. This measure will go far in ensuring everyone's right and access to a vote.

I introduced bipartisan election reform legislation to establish a federal grant program to provide assistance to States for modernizing

and enhancing voting procedures and administration. The substantive changes that my legislation proposes are contained in the detailed election reform conference report we will pass today. I applaud this bill because it provides states with both the standards and the funding to make real election reform happen. This legislation authorizes $3.0 billion over 3 years—for a grant program administered by the commission to help States meet election requirements, train poll workers, provide voter education, and administer elections.

The Help American Vote Act also requires States to abide by uniform and nondiscriminatory requirements, such as providing provisional ballots, implementing statewide voter registration databases and ensuring that each precinct has at least one machine that is accessible to the disabled. It also establishes an Election Assistance Commission, a bipartisan commission that will issue voluntary guidelines, issue grants, and administer research grants, and pilot projects.

Mr. Speaker, this bill would provide the most meaningful reform to our democratic election system since the civil rights laws were enacted in the 1960s. It is time to pass real election reform, time to Help American Vote. This legislation will restore the confidence of the American people in our election process and encourage all citizens to take part in one of the paramount processes that defines us as a nation. Strengthening our election system strengthens our democracy.

Mr. Speaker, I urge my colleagues to vote ''yes'' on this conference report.

Mr. VITTER. Mr. Speaker, I rise in support of the election reform conference report before us today.

I have strongly advocated election reform in my home State of Louisiana in the past and continue to do so here in Congress. I am pleased that this legislation is a strong step toward correcting many of the flaws in the current system.

Following the 2000 election, I was incensed that there would be any attempt by political operatives to disenfranchise our brave men and women in the Armed Services overseas. In response I introduced legislation to remedy the situation, and am pleased to see the conference report takes important measures similar to the ones I proposed to ensure military overseas ballots are counted. Our service personnel deserve no less.

I applaud the efforts of the conference to address the issue of voter fraud as well. Statewide voting lists, presenting identification when voting, purging names from lists for those that do not vote, and strengthening penalties for those convicted of voting fraud will all help States deal with the problem of vote fraud, which is an assault on our democratic system.

Lastly, I would like to commend the conferees for their work in helping ensure that the disabled have access to voting machines in each precinct. Voters should never be disenfranchised because of any sort of disability and I now hope Congress will follow through with funds.

I would like to commend Chairman NEY, who met with me on a number of occasions to work on a variety of election reform issues, as well as Ranking Member HOYER and all the conferees that worked out this compromise.

I urge my colleagues to support the election reform conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the conference report of H.R. 3295, the Help America Vote Act.

I begin by thanking my good friend from Maryland, Mr. HOYER, for keeping this issue at the forefront of this body's agenda. Given the daunting task of bringing this conference report to the floor, the gentleman from Maryland has remained the voice of justice for the tens of thousands of Americans who had their right to vote stolen from them on Election Day 2000. I thank him for his work and leadership on this issue and so many others.

Additionally, I commend the chairman from Ohio, Mr. NEY, for his continued efforts to get this bill to the floor. Even while Members of the chairman's own party were fighting against this bill and the President still refuses to make election reform a priority, I have never doubted the chairman's sincerity and resolve to get this bill passed.

Mr. Speaker, 628 days have passed since Election Day 2000 and, until today, Congress has remained largely silent. Just last month, in Florida, my constituents reaped the first-hand benefits of Federal inaction. On November 5, voters throughout this country will be returning to the same broken election system of 2000 because it took Congress nearly 2 years to act.

So, while I will ultimately support this conference report, I cannot come to the floor today with the same jubilation and admiration for this bill that some of my colleagues have. Frankly, we should be ashamed of ourselves. While we improved our homeland security, we neglected the integrity of our democracy.

The conference report that the House is considering has many qualities that hold true to the title's implication. That is, the bill actually helps Americans vote. Improving voter accessibility, establishing statewide voter registration lists, determining what constitutes a vote, increasing voter education and poll worker training, and providing States with the dollars to meet these standards, are just a few of the good qualities of the report.

However, this bill is not perfect by any means. The ID provisions in the report drastically alter voter registration and absentee voting procedures. The inclusion of these provisions will ultimately discourage and intimidate first-time and veteran voters alike. Further, the opt-out until 2006 provisions provide States with an opportunity to delay reform until after the next Presidential election. After the last election, I expected these provisions to be removed. But they weren't.

Mr. Speaker, the passage of today's conference report is merely the first step in true election reform. Congress must now put its money where its mouth is and appropriate the $3.9 billion authorized in this report. Unfunded mandates are just lip service, and States need our help. If Congress fails to fund election reform in 2003, 2004, and 2005, then we can count on many states opting our until 2006. This places the reliability of our election system in jeopardy for 4 more years.

As I have said so many times before, we must never again find ourselves questioning the methods by which we choose our elected officials. Hopefully, we never will. After all, help is on the way—though it may take a few years to get there.

I urge my colleagues to support the conference report.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 48, not voting 26, as follows:

[Roll No. 462]

YEAS—357

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, George
Mollohan
Moore

Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—48

Barr
Becerra
Bonilla
Callahan
Cannon
Capuano
Coble
Collins
Cubin
Duncan
Everett
Filner
Flake
Gonzalez
Goode
Goodlatte
Gutknecht
Hoekstra
Hostettler
Istook
Jones (NC)
Kerns
Kingston
Lucas (OK)
Mica
Miller, Jeff
Moran (KS)
Napolitano
Otter
Pastor
Paul
Putnam
Rodriguez
Sabo
Schaffer
Sensenbrenner
Sessions
Smith (MI)
Souder
Thomas
Thornberry
Toomey
Udall (NM)
Velazquez
Wamp
Watt (NC)
Watts (OK)
Whitfield

NOT VOTING—26

Berman
Blagojevich
Bonior
Cooksey
Coyne
Dicks
Ehrlich
Ganske
Gutierrez
Houghton
Jenkins
King (NY)
Lipinski
Manzullo
Matsui
Miller, Gary
Murtha
Neal
Ortiz
Reyes
Roukema
Stump
Sununu
Taylor (NC)
Waxman
Young (AK)

□ 2227

Messrs. COBLE, COLLINS, JEFF MILLER of Florida, CANNON, OTTER, WAMP, FILNER, CAPUANO, WHITFIELD, SOUDER, HOEKSTRA, and Ms. VELÁZQUEZ changed their vote from ''yea'' to ''nay.''

Messrs. SAWYER, PETRI, GREEN of Texas, and OBEY changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the House insists on its disagreement to the Senate amendment to the title.

There was no objection.

CONSIDERING DISAGREEMENTS BETWEEN HOUSE AND SENATE WITH RESPECT TO H.R. 3295, HELP AMERICA VOTE ACT OF 2002, RESOLVED

Mr. NEY. Mr. Speaker I offer a concurrent resolution (H. Con. Res. 508) resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request by the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 508

Resolved by the House of Representatives (the Senate concurring), That the conference report to accompany H.R. 3295 be considered to have resolved all disagreements between the two Houses thereon as proposed by the House of Representatives, which acted first on the conference report.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2230

INTENTION TO AMEND TIME ALLOCATION ON MOTION TO INSTRUCT CONFEREES ON H.R. 4546

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, this is an issue of great importance to a great many disabled veterans in America. We know that the hour is late. Because of the courtesy of the gentleman from New York (Mr. MCHUGH), in order to expedite the matter, we are going to ask that the time be reduced by half.

We would ask that every Member who wishes to speak keep their remarks as short as possible. I am going to do my part to move it along. I am certain the gentleman from New York (Mr. MCHUGH) will.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 4546 be instructed to agree to the provisions contained in section 641 of the Senate amendment (relating to payment of retired pay and compensation to disabled military retirees).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from New York (Mr. MCHUGH) each will control 30 minutes.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that debate on this motion be limited to 30 minutes, 15 minutes on each side.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) and the gentleman from New York (Mr. MCHUGH) each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today almost 300 of us voted to give the President the authority to wage war, and a sad consequence of that is that there will be, if there is hostile action, young Americans coming home who have lost their arms, their legs, their vision, their ability to speak.

Traditionally, there has been a system where they are compensated for that loss. Unfortunately, for those people who have served our Nation for 20 years or more, that compensation comes at the expense of the retirement benefit they have already earned. A lot of us do not think that is fair.

The gentleman from Florida (Mr. BILIRAKIS) has been for 17 years pushing legislation to address this inequity, to allow those people who served our Nation honorably in the military for 20 years or more to collect their full pension benefits and be compensated for whatever injuries they incurred on active duty, because it has very much so reduced their ability to make a living in their post-military life.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. BILIRAKIS), the person who has worked so hard on this issue for 17 years.

Mr. MCHUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida.

The SPEAKER pro tempore. The gentleman from Florida (Mr. BILIRAKIS) is recognized for 6 minutes.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I rise in reluctant support of the Taylor motion to instruct conferees on H.R. 4546, the Bob Stump National Defense Authorization Act. I say reluctant not because I did not support the Senate provision to provide for the full concurrent receipt of military retired pay and VA disability compensation but because this motion should not even be necessary.

My legislation to completely eliminate the offset between military retired pay and VA disability compensation has received strong bipartisan support in both Houses of Congress. In

fact, more than 90 percent of the Members of the House of Representatives and more than 80 percent of the Senate have cosponsored legislation to repeal the current offset.

This is the People's House, Mr. Speaker, and this is a Republic. The people, by way of their Representatives, want concurrent receipt, concurrent receipt based on two separate episodes, one having served 20-plus years and the other having suffered a service-connected disability. It is not double dipping.

The last Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. These provisions were expanded to include retirees with ratings of 60 percent.

Earlier this year, I was very pleased when the House took the next step in our fight to eliminate the offset by including funding for a partial repeal of the offset in its fiscal year 2003 budget resolution. Specifically, the budget resolution earmarks over $500 million as a first step in fiscal year 2003, with increasing amounts over the next 5 years, providing a cumulative total of $5.8 billion. I want to acknowledge and thank the gentleman from Iowa (Mr. NUSSLE) for this.

I repeat, Mr. Speaker, the money is in our budget. The money is in our budget. For years I have been told by the authorizers, get the money in the budget and we will authorize it. The money is in the budget. It will not come out of the military readiness allotment. The funding falls short of the funding needed to completely eliminate the current offset, but it will provide for a substantial concurrent receipt benefit.

The House Committee on Armed Services incorporated the budget resolution proposal into its authorization bill. As approved by the House, H.R. 4546 includes a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retired pay and VA disability compensation benefit by fiscal year 2007; not complete elimination of the offset, but providing for concurrent receipt for the more seriously disabled.

Until the program is fully implemented, the bill establishes a transition program through which retirees will receive increasing amounts of their retired pay. Transition payment levels will increase annually until fiscal year 2007, when all retirees with a disability rating of 60 percent or greater will receive their full retired pay and VA disability compensation.

During its consideration of the authorization bill, the Senate approved an amendment to authorize full concurrent receipt immediately. While I would obviously prefer the Senate language because it does mirror my bill, H.R. 303, I recognize it may be difficult to achieve this goal in one step and that an incremental approach such as the House language may be necessary.

I am extremely disappointed, Mr. Speaker, by recent efforts by the Department of Defense to derail our progress on the concurrent receipt issue. I believe the arguments against concurrent receipt being used by the Defense Department are baseless and designed to be intentionally misleading.

I want to remind my colleagues of a quote by our first Commander-in-Chief, George Washington. He said, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation.''

We are at war, Mr. Speaker, and our first President's words are more applicable than ever.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to our military service members. For those of them who have selected to make their career in the U.S. military, they face an additional unknown risk in the fight against terrorism. If they are injured, they will be forced to forgo their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits with their retirement collection.

We must include a substantial concurrent receipt provision in a final defense authorization bill, and I urge my colleagues to support the Taylor motion to instruct conferees. The time has come to do what is right and support the elimination of the current offset between military retired pay and VA disability compensation.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my friend from Mississippi (Mr. TAYLOR), both for bringing this question to the floor at this time, well, maybe not at this time, but at all, and join in his very gracious and I think very appropriate comments about the previous speaker, the gentleman from Florida (Mr. BILIRAKIS), who clearly has been, amongst many defenders and many fighters, the number one champion on behalf of this issue. All veterans and, indeed, all Members of this House and all people who live under the blanket of security and freedom provided by our military Armed Forces owe him a great debt of thanks.

This is obviously a very troubling issue. It has been a perplexing one for this House for a number of years. But it is not a new issue in terms of confronting Members of Congress.

This is a policy that has been in place for some 100 years. As the gentleman from Florida (Mr. BILIRAKIS) so clearly stated, the House has taken some very definitive steps, and I think thanks are due to, as the gentleman from Florida said, the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, the leadership on the Committee on Armed Services on both sides of the aisle and Members again on both sides of the aisle who have fought for and have been concerned about this for some time.

It is interesting to note, Mr. Speaker, that when the House provision was adopted in H.R. 4546, the vote on the floor was 359 to 58. Clearly every Member, Democrat and Republican, have expressed great concern and great support for trying to take an important step towards righting what most of us feel is a very clear wrong.

The gentleman from Florida (Mr. BILIRAKIS) also pointed out some realities in conference with respect to what we were able to achieve. The fact of the matter is, the Senate provision over 10 years costs nearly $46 billion. Maybe equally important is the fact that, over 10 years, $15 billion of that $46 billion amount is discretionary spending, money that would have to come out of the military services budget, money that would diminish the appropriations that we provide to do all kinds of good things in support of those very brave men and women that we all care so much about.

The House version, on the other hand, compared to the Senate version, is more affordable and less expensive; not $46 billion, but nearly $18 billion. Again, as the gentleman from Florida (Mr. BILIRAKIS) so correctly stated, it has, regrettably, caused a great deal of concern and expressions of opposition from the department and one that has placed the entire authorization bill into a great state of flux.

I want to give compliments to the leadership of the other body. They are working in the conference, Senators LEVIN and WARNER particularly, to try to find a way in which we can do all that is humanly possible in the confines of the bill at hand to right this wrong. They have been joined by the gentleman from California (Mr. HUNTER), with the great support, of course, of the gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON), the ranking minority member, and all of the members of the committee to try to see what we can do to, as I say, make this situation better for every deserving veteran.

There is no disagreement tonight between myself and the objective that the gentleman from Mississippi (Mr. TAYLOR) has defined. I would certainly suggest, respectfully, to all of our Members that the objective of this motion to instruct is a very laudable and a very worthy goal that all of us support; and I certainly would not urge a single Member to vote against it.

Let me again give my appreciation to the gentleman from Mississippi (Mr. TAYLOR) and to all those other Members who have fought so long and hard to try to take a step in the right direction on this.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a senior Democrat member of the Committee on Armed Services and a father of two members on active duty in the United States military.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, my fellow Missourian Mark Twain once said, ''The more you explain it to me, the more I don't understand it,'' and I have a difficult time in understanding why we cannot go forward with this issue.

The motion by the gentleman from Mississippi is well taken, and I thank him for it. I associate myself with the gentleman from Florida and with the gentleman from New York in their views. We in Congress need to ensure that our military retirees who have become disabled as a result of military service receive all the benefits to which they are entitled because of service-connected disabilities.

□ 2245

This is not brain surgery. This is what is fair; this is what is decent. They are the ones who made the sacrifices for our wonderful country, and the least we can do is to ensure that we repay the debt that we truly owe them.

Now, the House version of the authorization bill would authorize the payment of military retiree pay and VA disability compensation for all military retirees who are at least 60 percent disabled. The Senate version, more expensive. The Senate version of the bill would authorize both the military retiree pay and the VA disability compensation of any retiree who has been determined to be disabled at any percentage.

Well, out of all of this, there ought to be a compromise that we can live with. Unfortunately, the President has threatened a veto, to veto this conference bill in a time of war, with a lot of very, very important items in this bill such as pay raise, benefits; many, many items that they need with which to conduct the war against terrorism. I would simply say that we need to follow the dictates of this House as it has happened and voted before.

Mr. MCHUGH. Mr. Speaker, I proudly yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a Member of this House that certainly knows firsthand about the sacrifices of the men and women of the military, and a gentleman who is a former member of the Committee on Armed Services and then moved over as a member of the Subcommittee on Military Construction of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of this resolution. Remember the movie ''Born on the 4th of July'' with Ron Kovic? Remember Agent Orange, Desert Syndrome. These are folks that fought for our country. Some of them died, some of them came back with afflictions and they need this resolution. It is important. I would hope every Republican and every Democrat comes together on this particular bill, and I laud my colleagues who are supporting the bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentleman from Alexandria, Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, we are talking about people who have watched their families struggle all their adult lives because of their service-connected disability. Now that they are eligible for military retirement, they are being punished because they are eligible for both; and like most military retirees who are able to enhance their military retirement pay, because of their disability, they have not been able to.

It is only fair that they receive their military retirement and their service-connected disability. On the day that we voted to send more troops to war, this is the day we ought to fix this injustice. Let us do the right thing. Let us pass it.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

(Mr. NORWOOD asked and was given permission to revise and extend his remarks.)

Mr. NORWOOD. Mr. Speaker, I rise in very, very strong support of this motion, and I would take this opportunity to congratulate the gentleman from Florida (Mr. BILIRAKIS) for years of work.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS), someone who has worked very hard for the veterans for his duration of his time here in Washington.

Mr. SHOWS. Mr. Speaker, I rise in support of the gentleman's motion to instruct.

The gentleman from Mississippi (Mr. TAYLOR) and I have been working together to help restore the broken promise of health care for our country's military retirees. Our failure to make good on what is known as a concurrent receipt is one of those broken promises.

One of those promises is a pension when they retire, if they serve a career in uniform, at least 20 years. Another promise is that VA health care would be provided if they become disabled in the line of duty.

They do not know about the archaic law that requires them to deduct service-connected disability pay from their pensions. No other Federal employee has to do that. All other Federal employees earn VA health care benefits if they are service-connected disabled.

Some may argue that we cannot afford to pay for full concurrent receipt. I would argue that we cannot afford not to authorize full concurrent receipt. How can we expect to recruit troops for the conflict we are about to wage if we continue the cycle of broken promises?

Earlier this year, the gentleman from Mississippi (Mr. TAYLOR) and I offered an amendment that would include a full concurrent receipt in the Federal budget and it was paid for. We are already on record supporting full concurrent receipt. H.R. 303, which would institute full concurrent receipt, 402 cosponsors. It is long overdue.

Mr. Speaker, we need to instruct the defense authorization conferees to do the right thing and insist they support full concurrent receipt.

Mr. MCHUGH. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the distinguished member of the Committee on Armed Services.

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I am pleased to rise in strong support of the motion to instruct from the gentleman from Mississippi (Mr. TAYLOR).

This law is over 100 years old. It is time we fixed it. It is time that we recognize a disability as a disability and a retirement as a retirement. I urge strong support of the motion to instruct.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), someone who has been a great help on this issue.

Mr. BARTLETT of Maryland. Mr. Speaker, I want my colleagues to imagine two brothers. They are twin brothers, they joined the military at the same time, they go to war, they are both wounded, they are 60 percent disabled. One of them chooses to stay in the military and serve his country; the other leaves the military and gets a job in the private sector.

The inequity begins right now, because the person who leaves the military starts drawing disability pay, and it continues until he retires in the private sector. When he retires in the private sector, the private sector retirement is not cut by his disability pay. But that brother, that twin brother who chose to stay in the military does not collect any disability until he retires, and even when he retires and after the disability pay, they tell him that it has to be deducted from his retirement.

Mr. Speaker, it is obvious how inequitable this is and how wrong it is; and the fact that it is going to cost money to fix it is just more testimony of how egregious this treatment has been of our disabled veterans. We should have fixed this a long time ago. We do not need to do it tomorrow. We need to do it today.

Mr. MCHUGH. Mr. Speaker, I have no requests for time at this time, so I will reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. MALONEY), a great member of the Committee on Armed Services.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time. I want to associate myself with his remarks in urging the House to instruct the conferees to adopt the Senate's concurrent receipt provisions in the fiscal year 2003 defense authorization bill.

The Bob Stump National Defense Authorization Act for 2003 contains a provision to authorize military retirees who are 60 percent or greater disabled to receive their full retirement pay as well as disability compensation benefits by fiscal year 2007. The Senate bill, however, S. 2514, authorizes the concurrent receipt of retired pay and veterans disability compensation immediately and for all disabled military retirees with at least 20 years of service.

Concurrent receipt cannot come soon enough for the veterans of Connecticut. Veterans have made possible the very existence and continuation of our country and our way of life. Disabled veterans have made a great personal sacrifice to the security of the United States and are entitled to their due compensation as well as their retirement benefits in full. So I join with the veterans of my State and my colleagues on the House Committee on Armed Services in urging support for this stronger, timely, and comprehensive Senate language.

Mr. MCHUGH. Mr. Speaker, I am honored to yield 1 minute to the gentleman from New York (Mr. GILMAN), a true gentleman and my neighbor and friend from my home State, the dean of our conference and the New York State delegation and a former chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Taylor motion to instruct. I think this is a long-overdue measure to provide equity for all of our veterans who have had retirement and disability benefits, and I urge my colleagues to fully support this measure.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Mississippi for his leadership on this issue.

Just a few hours ago, I gave in good faith my full-fledged support to the President to deal with Iraq in whatever manner possible. With that commitment I also pledged my support for those in the military, the men and women who have given their service with that commitment for whatever action necessary, and I also pledged support to those that are serving now. But also we should recognize even more those who have already served. It is not right that we would penalize them. We should be rewarding those who have disabilities because of their connection in service, not penalizing them and their pensions because of their service. Whose side are we on?

It is simple and clear. How can we ask those who serve that we are asking to commit now, with new action possibly coming about soon, and those who have already served that come back with injuries and who barely escape losing their lives, and tell them that we cannot afford to pay them what we owe them? That is a sad commentary on this country.

I stand with the gentleman from Mississippi and his motion to instruct, and I hope all of us can unite in this one action.

Mr. MCHUGH. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), another great Northeasterner who, as every Member of this House understands, has been a constant leader in health care issues for both veterans and the civilian community.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I rise in strong support of this motion. Nothing is more humiliating to me than to sit with a constituent whom I know is being treated in a grossly unfair manner, and I have sat with disabled veterans who have high costs associated with their disability, health care costs, accommodation costs, and their disability has imposed limits and hardships on their families. For them not to receive both their military pension and their disability pension is indeed simply unfair, and it is time we corrected that injustice; and I commend the members of the committee on doing that here tonight.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, on behalf of the veterans of San Diego County, I want to thank all of the people that worked on this issue so hard over these years.

Mr. Speaker, during a Memorial Day breakfast last year, the President remarked, ''America's veterans have earned not only honors, but specific benefits, and those only become more necessary with the years. My administration will do all it can to assist our veterans and to correct oversights of the past.''

I believe that those were sincere words, and we must work together to turn them into reality. Over 400 Members have pledged their support to legislation to right an injustice and provide veterans with their well-deserved benefits. I hope both the Congress and the administration will accept the final version of the fiscal year 2003 National Defense Authorization Act.

□ 2300

Mr. TAYLOR of Mississippi. Mr. Speaker I yield 45 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me urge colleagues on both sides of the aisle, this is embarrassing. We need to do the right thing. It is not going to be enough just to show the votes that are out there, we have to make it happen.

I know I get sick and tired when I go back, because I know we are doing the wrong thing. Those veterans are still approaching me and asking me. I can tell them that we did the language, and the President is supposed to do this and that, but we need to make it happen now.

I ask both Democrats and Republicans, let us vote on this. Let us make sure we do the right thing. I ask the conference committee that, after they look at this vote, that they go out there and stick to their guns and make it happen.

The reality is that these veterans have fought; they have been there. It is the fair thing for us to do. They have been our heroes. If we can declare war, this is the time for us to stand up. This is the time to make it happen.

I ask very seriously after this vote and after we make it happen, let the conference committee take a stand, and let us support them.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 30 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding time to me.

Just a few hours ago, this body overwhelmingly voted to give our President the authority to go to war in Iraq. The least we can do is give the same level of overwhelming support to our veterans.

It is time to keep our promises to the men and women in our Armed Forces, the men and women who made a career of the military service, the men and women who have paid their taxes and were promised a pension. It is time to keep our promises.

If Members want a list of offsets, I would be happy to go over those. The bottom line is, it is time to do what is fair. It is time to keep our promises to our veterans.

Mr. MCHUGH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the hour is late. Obviously, the sentiment of this House and its Members is, as I have suggested in my opening remarks, very, very clear. It is a sentiment we all join in.

As a member of the Committee on Armed Services, as a conferee, as I know the gentleman from Mississippi (Mr. TAYLOR) understands, we are working on both sides of the aisle in both Houses of Congress to do all that we possibly can within the fiscal as well as the political realities of this bill.

Mr. Speaker, finally, I urge all of my colleagues to vote for this motion as a very clear indication of our ultimate objective.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I thank all of the Members for their help tonight, Democrats and Republicans. We will send a message to the conferees: It is time, after 17 years of the efforts of the gentleman from Florida (Mr. BILIRAKIS), to do the right thing for those people who were injured serving us.

They paid the price for us; it is time for us to pay what is due to them.

Ms. CARSON of Indiana. Mr. Speaker, Concurrent receipt is the offsetting military retired pay, dollar-for-dollar, by the amount of Department of Veterans Affairs (VA) service-connected disability compensation.

I am appalled that this Congress has not been able to grant veterans what they have earned. The Senate version of the Defense Authorization bill completely eliminates the current offset between military retired pay and VA disability compensation.

Our men and women who have given of themselves deserve more for their sacrifices than an excuse about funding.

How dare those people who accept the freedom these brave people declare that any reason is good enough to deny them their due.

402 House members have cosponsored H.R. 303, a bipartisan bill that would permit concurrent receipt in precisely the same manner as the Senate language to the Defense Authorization. The Taylor Motion appropriately insists that the House conferees accept the Senate provision which would eliminate the current offset entirely and allow veterans to collect full retirement pay and disability compensation to which they are entitled.

I am sure there is overwhelming support for veterans. Vote in favor of this motion to instruct.

Let's prove our appreciation for the veterans who preserved the land of the free.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to express my support for the so-called concurrent receipt provision in the Senate Defense Authorization Act that would allow all disabled military retirees to receive both their military retired pay and their VA disability compensation. As we know, current law requires that the two are offset so, in effect, our disabled veterans are paying for their own disability! We must correct this unfair practice.

I am extremely dismayed with the word we have been hearing that the Administration is threatening to veto this bill if this concurrent receipt provision is included. Thousands of our disabled veterans are being cheated out of the pensions and disability compensation they have earned and that are their due!

I urge all members to, first, support concurrent receipt of military retired pay and VA disability compensation and, then, to contact the President and impress upon him the importance of this legislation.

Disabled veterans did not hesitate when called to serve. Disabled veterans returned home with wounds they did not have when they were called to duty. It is imperative that we meet our obligation to these brave men and women who have given so much to our nation. Please do what is right and support concurrent receipt.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of the Taylor motion to instruct conferees on the Defense Authorization bill. Many of our retired military personnel have made tremendous sacrifices while defending our nation. As Congress debates entering a new military conflict, I find the timing of the Administration's reluctance to support this provision ill-chosen. Under current regulation, veterans must essentially pay their own disability compensation out of their retirement benefits. No other profession restricts the concurrent payment of disability and retirement benefits

One of my constituents, who served in the Army for nearly 20 years and fought in Vietnam where he was injured, must deduct his $864 monthly disability compensation from the $1650 monthly retirement benefit for which he is eligible. The Senate language would put $864 more dollars into this veteran's pocket each month. I am aware of many veterans who would benefit from this change.

I urge the conferees to include the Senate-passed language which would immediately assist the veterans in my district. They cannot afford to wait another four years for full relief. We owe it to these individuals to provide the entire compensation they deserve.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 0, not voting 40, as follows:

[Roll No. 463]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—40

Berman
Blagojevich
Blunt
Boehner
Bonior
Clay
Combest
Cooksey
Coyne
DeLay
Diaz-Balart
Dicks
Dooley
Ehrlich
Fossella
Ganske
Gephardt
Gillmor
Gutierrez
Hoeffel
Houghton
Jenkins
King (NY)
LaFalce
Lipinski
Manzullo
Matsui

McKinney	Roukema	Taylor (NC)
Murtha	Smith (MI)	Waxman
Ortiz	Stark	Young (AK)
Oxley	Stump	
Reyes	Sununu	

□ 2325

Mr. MORAN of Kansas changed his vote from ''no'' to ''aye.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I would like to inquire about the schedule for next week, and I am pleased to yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, let me thank the gentlewoman from California for yielding; and, Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday October 15 and may consider measures under suspension of the rules. No votes are expected on Tuesday.

On Wednesday, October 16, the House will meet at noon for legislative business, and no votes are expected before two o'clock p.m. The House will consider a continuing resolution and any conference reports that may be available.

Other legislation that may become available will be announced as soon as possible.

Obviously, Mr. Speaker, completion of the Department of Homeland Security which passed the House in July remains our highest priority. I am sure the gentlewoman shares my interest in getting this bill to conference as soon as the other body completes consideration of the legislation, and I am very hopeful that we will be able to finally get this critical bill into conference next week, and I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, just to clarify, there are no votes on Tuesday and no votes on Friday of next week? Suspension votes on Tuesday will be rolled until Wednesday?

Mr. ARMEY. Mr. Speaker, again, if the gentlewoman will continue to yield, that is exactly right. On Wednesday, we will begin votes at 2:00; and I must say that the Members should be prepared to be working yet on Thursday, but I do not expect us to be here on Friday of next week.

Ms. PELOSI. That is not definite yet?

Mr. ARMEY. Mr. Speaker, it is not definite.

Ms. PELOSI. I understand no votes until 2:00 p.m.

Will the investor tax bill be scheduled next week, and if so, what day?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will yield, we have two bills that have been reported by the committee. We are continuing to work with the chairman of the committee with respect to the scheduling, and at this time we have not made a final determination. We will notify as soon as we do.

Ms. PELOSI. Mr. Speaker, does the majority leader wish to share with us how long the next CR will last?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and if the gentlewoman would grant me just a moment, if I had extrasensory perception, I could probably answer her with a good deal more confidence, but these continuing resolutions are subject to negotiations between the two bodies and the ability on the part of both bodies in this respect, most notably the other body, to actually pass the agreements once they are made.

So it is what we in Texas call a running gunfight, and we can only give my colleagues updates as we see the progress that is made.

Ms. PELOSI. Mr. Speaker, so it is not the usual consultation with Puff the Magic Dragon?

Mr. ARMEY. It is a bicameral, bipartisan consultation that involves not only the leadership on both sides of the aisle, both sides of the building, but also, as very critically, the Committee on Appropriations as well.

Ms. PELOSI. Mr. Speaker, the hour is late. Other than the vote on Iraq today, we have not accomplished anything much in this body since July. Since there is no question we will have a lame duck, would my colleague wish to share with us when that might begin?

Mr. ARMEY. I thank the gentlewoman for her inquiry, and I share her regret that since July we have not been able to get into conference on all the bills that we passed over to the other body that they have neglected, and clearly we will be able to complete our work, maintaining our high priority for homeland security.

□ 2330

We will continue to try to work our way through that; and again, I think it is pretty much dependent on the ability of the other body to pass anything that would result in our being able to respond to the question regarding what is euphemistically referred to as a ''lame duck session.''

Ms. PELOSI. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

DISPOSING OF VARIOUS LEGISLATIVE MEASURES

Mr. ARMEY. Mr. Speaker, I send a unanimous consent request to the desk.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. ARMEY asks unanimous consent that the House

(1) Be considered to have discharged from the committee and passed H.R. 5316, H.R. 5574, H.R. 5361, H.R. 5439, Senate 2558, H.R. 5349, H.R. 5598, H.R. 5601, H.R. 670, H.R. 669, and H.R. 5205;

(2) Be considered to have discharged from committee and agreed to House Concurrent Resolution 406, House Resolution 542, House Resolution 572, House Concurrent Resolution 504, House Resolution 532, House Resolution 571, and House Concurrent Resolution 467;

(3) Be considered to have discharged from committee, amended, and agreed to House Resolution 410, House Concurrent Resolution 486, House Concurrent Resolution 487 in the respective forms placed at the desk;

(4) Be considered to have amended and passed H.R. 5400 by the committee amendment placed at the desk; and

(5) That the committees being discharged be printed in the RECORD, the texts of each measure and any amendment thereto be considered as read and printed in the RECORD, and that motions to reconsider each of these actions be laid upon the table.

The SPEAKER pro tempore. The Chair will entertain this combined request under the Speaker's guidelines as recorded on page 712 of the Manual with assurances that it has been cleared by the bipartisan floor and all committee leaderships.

The Clerk will report the titles of the various bills and the resolutions.

The Clerk read as follows:

DISCHARGED FROM THE COMMITTEE ON AGRICULTURE AND THE COMMITTEE ON RESOURCES AND PASSED

H.R. 5316, to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

H.R. 5316

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 ''National Forest Organizational Camp Fee Improvement Act of 2002''.

SEC. 2. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,0000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) PURPOSE.—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) DEFINITIONS.—In this Act:

(1) The term ''organizational camp'' means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term ''individual with a disability'' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term ''children at risk'' means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term ''change in control'' means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this Act to another party.

SEC. 3. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) LAND USE FEE.—

(1) PERCENTAGE OF LAND VALUE.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) ANNUAL ADJUSTMENT.—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) REDUCTION IN FEES.—

(A) TYPE OF PARTICIPANTS.—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) TYPE OF PROGRAMS.—After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) RELATION TO MINIMUM FEE.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) SPECIAL CONSIDERATIONS.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) MINIMUM LAND USE FEE.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) FACILITY USE FEE.—

(1) PERCENTAGE OF FACILITIES VALUE.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to five percent of the value of the authorized facilities, as determined by the Secretary.

(2) REDUCTION IN FEES PROHIBITED.—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) FEE RELATED TO RECEIPT OF OTHER REVENUES.—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to five percent of that revenue.

(d) WORK-IN-LIEU PROGRAM.—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

SEC. 4. IMPLEMENTATION.

(a) PROMPT IMPLEMENTATION.—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) PHASE-IN OF USE FEE INCREASES.—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

SEC. 5. RELATIONSHIP TO OTHER LAWS.

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

SEC. 6. DEPOSIT AND EXPENDITURE OF USE FEES.

(a) DEPOSIT AND AVAILABILITY.—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) TRANSFER.—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) USE.—Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

SEC. 7. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.

(a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5574, to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the ''Michael Lee Woodcock Post Office''.

H.R. 5574

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

SECTION 1. MICHAEL LEE WOODCOCK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, shall be known and designated as the ''Michael Lee Woodcock Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Michael Lee Woodcock Post Office.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5361, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

H.R. 5361

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

SECTION 1. FLOYD SPENCE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, shall be known and designated as the ''Floyd Spence Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Floyd Spence Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5439, to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

H.R. 5439

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

SECTION 1. DELBERT L. LATTA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, shall be known and designated as the ''Delbert L. Latta Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Delbert L. Latta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON ENERGY AND COMMERCE AND PASSED

Senate 2558, to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

S. 2558

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 ''Benign Brain Tumor Cancer Registries Amendment Act''.

SEC. 2. NATIONAL PROGRAM OF CANCER REGISTRIES; BENIGN BRAIN–RELATED TUMORS AS ADDITIONAL CATEGORY OF DATA COLLECTED.

(a) IN GENERAL.—Section 399B of the Public Health Service Act (42 U.S.C. 280e), as redesignated by section 502(2)(A) of Public Law 106–310 (114 Stat. 1115), is amended in subsection (a)—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and indenting appropriately;

(2) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) STATEWIDE CANCER REGISTRIES.—The Secretary'';

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking ''population-based'' and all that follows through ''data'' and inserting the following: ''population-based, statewide registries to collect, for each condition specified in paragraph (2)(A), data''; and

(4) by adding at the end the following:

''(2) CANCER; BENIGN BRAIN-RELATED TUMORS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the conditions referred to in this paragraph are the following:

''(i) Each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), including malignant brain-related tumors.

''(ii) Benign brain-related tumors.

''(B) BRAIN-RELATED TUMOR.—For purposes of subparagraph (A):

''(i) The term 'brain-related tumor' means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:

''(I) The brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.

''(II) The pituitary gland, pineal gland, or craniopharyngeal duct.

''(ii) The term 'listed', with respect to a primary tumor, means a primary tumor that is listed in the International Classification of Diseases for Oncology (commonly referred to as the ICD–O).

''(iii) The term 'International Classification of Diseases for Oncology' means a classification system that includes topography (site) information and histology (cell type information) developed by the World Health Organization, in collaboration with international centers, to promote international comparability in the collection, classification, processing, and presentation of cancer statistics. The ICD–O system is a supplement to the International Statistical Classification of Diseases and Related Health Problems (commonly known as the ICD) and is the standard coding system used by cancer registries worldwide. Such term includes any modification made to such system for purposes of the United States. Such term further includes any published classification system that is internationally recognized as a successor to the classification system referred to in the first sentence of this clause.

''(C) STATEWIDE CANCER REGISTRY.—References in this section to cancer registries shall be considered to be references to registries described in this subsection.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to grants under section 399B of the Public Health Service Act for fiscal year 2002 and subsequent fiscal years, except that, in the case of a State that received such a grant for fiscal year 2000, the Secretary of Health and Human Services may delay the applicability of such amendments to the State for not more than 12 months if the Secretary determines that compliance with such amendments requires the enactment of a statute by the State or the issuance of State regulations.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5349, to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H.R. 5349

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

SECTION 1. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, FORMER O'REILLY GENERAL HOSPITAL, SPRINGFIELD, MISSOURI.

(a) RELEASE REQUIRED.—Notwithstanding the first section of the Act of August 9, 1955 (chapter 661; 69 Stat. 592), the Administrator of General Services shall release, without consideration, all right, title, and interest retained by the United States in and to the portion of the former O'Reilly General Hospital in Springfield, Missouri, conveyed to the State of Missouri pursuant to such Act.

(b) INSTRUMENT OF RELEASE.—As soon as possible after the date of the enactment of this Act, the Administrator of General Services shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5598, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5598

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

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Sec. 102. Definitions.

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Sec. 112. Functions.
Sec. 113. Delegation.
Sec. 114. Office of the Director.
Sec. 115. Priorities.
Sec. 116. National Board for Education Sciences.
Sec. 117. Commissioners of the National Education Centers.
Sec. 118. Agreements.
Sec. 119. Biennial report.
Sec. 120. Competitive awards.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.
Sec. 132. Commissioner for Education Research.
Sec. 133. Duties.
Sec. 134. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 151. Establishment.
Sec. 152. Commissioner for Education Statistics.
Sec. 153. Duties.
Sec. 154. Performance of duties.
Sec. 155. Reports.
Sec. 156. Dissemination.
Sec. 157. Cooperative education statistics systems.
Sec. 158. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

Sec. 171. Establishment.
Sec. 172. Commissioner for Education Evaluation and Regional Assistance.
Sec. 173. Evaluations.
Sec. 174. Regional educational laboratories for research, development, dissemination, and technical assistance.

PART E—GENERAL PROVISIONS
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Sec. 182. Prohibitions.
Sec. 183. Confidentiality.
Sec. 184. Availability of data.
Sec. 185. Performance management.
Sec. 186. Authority to publish.
Sec. 187. Vacancies.
Sec. 188. Scientific or technical employees.
Sec. 189. Fellowships.
Sec. 190. Voluntary service.
Sec. 191. Rulemaking.
Sec. 192. Copyright.
Sec. 193. Removal.
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TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE
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Sec. 202. Definitions.
Sec. 203. Comprehensive centers.
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Sec. 206. Regional advisory committees.
Sec. 207. Priorities.
Sec. 208. Grant program for statewide, longitudinal data systems.
Sec. 209. Authorization of appropriations.
TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS
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Sec. 302. Definitions.
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Sec. 405. Orderly transition.
Sec. 406. Impact aid.

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Education Sciences Reform Act of 2002''.

SEC. 102. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms ''freely associated states'' and ''outlying area'' have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term ''applied research'' means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term ''basic research'' means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term ''Board'' means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term ''comprehensive center'' means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term ''Department'' means the Department of Education.

(8) DEVELOPMENT.—The term ''development'' means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term ''Director'' means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term ''dissemination'' means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR.—The term ''early childhood educator'' means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) FIELD-INITIATED RESEARCH.—The term ''field-initiated research'' means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) INSTITUTE.—The term ''Institute'' means the Institute of Education Sciences established under section 111.

(15) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term ''national research and development center'' means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term ''provider of early childhood services'' means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term ''scientifically based research standards'' means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term ''scientifically valid education evaluation'' means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) SCIENTIFICALLY VALID RESEARCH.—The term ''scientifically valid research'' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(22) STATE.—The term ''State'' includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department the Institute of Education

Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) ORGANIZATION.—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

(11) To coordinate the wide dissemination of information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding

and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

(4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) SERVICE.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) COORDINATION.—Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) SUPERVISION AND APPROVAL.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of $100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Research (in this part referred to as the ''Research Center'').

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the ''Research Commissioner'') who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) TOPICS OF RESEARCH.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) DUTIES OF CENTERS.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of educational technology, where appropriate, in achieving the goals of each center.

(4) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) CONTINUATION OF AWARDS.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) DISAGGREGATION.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed $100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) EVALUATION.—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Statistics (in this part referred to as the ''Statistics Center'').

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the ''Statistics Commissioner'') who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) TRAINING PROGRAM.—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.

(a) PROCEDURES FOR ISSUANCE OF REPORTS.—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) MISSION.—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) IN GENERAL.—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the ''Evaluation and Regional Assistance Commissioner'') who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) ADDITIONAL DUTIES.—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) NATIONAL LIBRARY OF EDUCATION.—

(1) ESTABLISHMENT.—There is established, within the National Center for Education Evaluation and Regional Assistance, a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) REGIONAL EDUCATIONAL LABORATORIES.—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) REGIONS.—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) ELIGIBLE APPLICANTS.—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(d) APPLICATIONS.—

(1) SUBMISSION.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described

in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) ENTERING INTO CONTRACTS.—

(1) IN GENERAL.—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) OUTREACH.—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—

(1) IN GENERAL.—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) SPECIAL RULE.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) ADDITIONAL PROJECTS.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) ANNUAL REPORT AND PLAN.—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) CONSTRUCTION.—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) IN GENERAL.—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 186. AUTHORITY TO PUBLISH.

(a) PUBLICATION.—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) ADVANCE COPIES.—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) PEER REVIEW.—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) ITEMS NOT COVERED.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) IN GENERAL.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or ⅕ of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES.—All employees described in subsection (a) shall work on activities of the Institute or the office, board, committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

SEC. 193. REMOVAL.

(a) PRESIDENTIAL.—The Director, the Commissioner for Education Statistics, and each member of the Board may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Educational Technical Assistance Act of 2002''.

SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such

factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) REGIONAL ASSESSMENTS.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking onto account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) REPORT.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the ''National Assessment of Educational Progress Authorization Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) The term ''Director'' means the Director of the Institute of Education Sciences.

(2) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking ''center'', ''Center'', and ''Commissioner'' each place any such term appears and inserting ''Director'';

(2) in subsection (a)(2)(A), by striking ''statistical purpose'' and inserting ''research, statistics, or evaluation purpose under this title'';

(3) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—

''(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

''(B) IMMUNITY.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.'';

(4) in paragraphs (2) and (6) of subsection (b), by striking ''subsection (a)(2)'' each place such term appears and inserting ''subsection (c)(2)'';

(5) in paragraphs (3) and (7) of subsection (b), by striking ''Center's'' each place such term appears and inserting ''Director's''; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking ''referred to as the 'Board' '' and inserting ''referred to as the 'Assessment Board' ''; and

(B) by inserting ''(carried out under section 303)'' after ''for the National Assessment'';

(2) by striking ''Board'' each place such term appears (other than in subsection (a)) and inserting ''Assessment Board'';

(3) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(4) in subsection (b)(2)—

(A) by striking ''ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH'' in the heading and inserting ''DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES''; and

(B) by striking ''Assistant Secretary for Educational Research and Improvement'' and inserting ''Director of the Institute of Education Sciences'';

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''section 411(b)'' and inserting ''section 303(b)'';

(ii) in subparagraph (B), by striking ''section 411(e)'' and inserting ''section 303(e)'';

(iii) in subparagraph (E), by striking '', including the Advisory Council established under section 407'';

(iv) in subparagraphs (F) and (I), by striking ''section 411'' each place such term appears and inserting ''section 303'';

(v) in subparagraph (H), by striking ''and'' after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(vii) by inserting at the end the following:

''(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).'';

(B) in paragraph (5), by striking ''and the Advisory Council on Education Statistics''; and

(C) in paragraph (6), by striking ''section 411(e)'' and inserting ''section 303(e)''; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(2) by striking ''National Assessment Governing Board'' and ''National Board'' each place either such term appears and inserting ''Assessment Board'';

(3) in subsection (a)—

(A) by striking ''section 412'' and inserting ''section 302''; and

(B) by striking ''and with the technical assistance of the Advisory Council established under section 407,'';

(4) in subsection (b)—

(A) in paragraph (1), by inserting ''of'' after ''academic achievement and reporting'';

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''paragraphs (1)(B) and (1)(E)'' and inserting ''paragraphs (2)(B) and (2)(E)'';

(ii) in clause (ii), by striking ''paragraph (1)(C)'' and inserting ''paragraph (2)(C)''; and

(iii) in clause (iii), by striking ''paragraph (1)(D)'' and inserting ''paragraph (2)(D)''; and

(C) in paragraph (5), by striking ''(c)(2)'' and inserting ''(c)(3)'';

(5) in subsection (c)(2)(D), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(6) in subsection (e)(4), by striking ''subparagraph (2)(C)'' and inserting ''paragraph (2)(C) of such subsection'';

(7) in subsection (f)(1)(B)(iv), by striking ''section 412(e)(4)'' and inserting ''section 302(e)(4)''; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

''TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

''Sec. 301. Short title.
''Sec. 302. National Assessment Governing Board.
''Sec. 303. National Assessment of Educational Progress.
''Sec. 304. Definitions.
''Sec. 305. Authorization of appropriations.''.

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

''(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.'';

(2) by striking section 208 and inserting the following:

''INSTITUTE OF EDUCATION SCIENCES

''SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.''; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

''Sec. 208. Institute of Education Sciences.''.

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner, National Center for Education Statistics.''.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))'' and inserting ''section 153(a)(6) of the Education Sciences Reform Act of 2002''.

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(2) Section 1112(b)(1)(F) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(3) Section 1117(a)(3) is amended—

(A) by inserting ''(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''; and

(B) by inserting ''regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and'' after ''assistance from''.

(4) Section 1501(a)(3) is amended by striking ''section 411 of the National Education Statistics Act of 1994'' and inserting ''section 303 of the National Assessment of Educational Progress Authorization Act''.

(5) The following provisions are each amended by striking ''Office of Educational Research and Improvement'' and inserting ''Institute of Education Sciences'':

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking ''such Office'' and inserting ''such Institute''.

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking ''Assistant Secretary of the Office of Educational Research and Improvement'' and inserting ''Director of the Institute of Education Sciences''; and

(B) in subsection (b)(2)(B), by striking ''research institutes of the Office of Educational Research and Improvement'' and inserting ''National Education Centers of the Institute of Education Sciences''.

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking ''by the Office'' and inserting ''by the Institute''.

(9) Section 9529(b) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994'' and inserting ''section 153(a)(5) of the Education Sciences Reform Act of 2002''.

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting ''(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''.

SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

Mr. KILDEE. Mr. Speaker, today's consideration of the Education Sciences Reform Act marks an important step in addressing the quality and effectiveness of education research and technical assistance. I believe our work on this legislation over the last 3 years has produced a good bipartisan product that is much improved over the House passed version. I do want to thank Chairmen CASTLE and BOEHNER for their willingness to address Democratic concerns on this legislation and for working in a bipartisan manner to pass meaningful reform.

This legislation addresses several critical issues in the area of education research. First is adequate resources. This bill authorizes approximately $700 million for the Department's research and technical assistance activities—nearly double existing funding. This level of funding is vital if the research Institute created under this legislation is to become a top-flight education research organization. The legislation also includes provisions sought by Representative OWENS, a longtime leader in Congress on education research issues, to increase outreach to and involvement of HBCUs and HSIs, and to permit fellowships to build research knowledge and experience.

Secondly, this legislation ensures that research is concluded through a minimum of 8 national research and development centers studying specified topics and that 50 percent of research funding is for long-term research—both critical elements necessary to ensure high quality and effective research. This legislation also seeks to maintain the current governance relationship between the National Assessment of Education Progress, the Department of Education, and the National Assessment Governing Board and in no way undermines any present authority provided to the Board. It is my intent that the changes made by this bill do not modify the manner in which the National Center for Education Statistics administers the National Assessment, with the exception of the bill's express provision granting NAGB authority over the initial release of NAEP reports.

Lastly, the bill ensures that we have a strong regional development and technical assistance focus that continues the existing Regional Educational Laboratory program and

strengthens the Comprehensive Center program by expanding the number of Centers to 20.

Mr. Speaker, a strong research focus at the Department of Education is vital to improving the educational achievement of our children. Coupled with the elements of the recently passed reauthorization of the Elementary and Secondary Education Act, this legislation can play a critical role in providing high quality research, technical assistance and development activities. It is my belief that this legislation improves the state of our education research efforts and I urge Members to support it today.

Mr. BOEHNER. Mr. Speaker, the time for final passage of the reauthorization of the Office of Education Research and Improvement, OERI, has come. The Senate and the House have agreed on the language of the bill, and both houses, on a bipartisan, bicameral basis have agreed to vote on it before we adjourn.

My colleagues, Mr. CASTLE, Mr. KILDEE, and Mr. MILLER in the House, and Senators KENNEDY and GREGG deserve a great deal of credit for moving the Education Sciences Reform Act of 2002 and finally bringing the bill to a final vote. Without the leadership and determination of these gentlemen, it wouldn't have happened this year.

Providing high quality, scientifically based education research is vital if we are to improve our nation's schools and help every child receive a quality education. The Education Sciences Reform Act of 2002 ensures such research will occur. In addition, it provides for technical assistance to States, school districts, and schools that is accountable, customer-driven, and focused on the implementation of the No Child Left Behind Act. Let me emphasize that the reforms in this bill will greatly assist in helping the No Child Left Behind Act successfully transform and reform our schools.

Some of the reforms that have been included in this bill are significant and will offer the opportunity for a new ''culture of science'' to develop in Federal research, evaluation, and statistics. Let me describe just a few. The bill:

Requires Scientifically Based Research—Research that can't or won't meet these standards will be ineligible for federal funds. This means scientific experiments will help ensure that schools do not waste scarce resources on ineffective programs and methods of instruction.

Focuses the Research, Evaluation and Statistics Activities of the Department—The bill ensures that the new Institute of Education Sciences is responsible for research, evaluation and statistics activities only. It will no longer administer grant programs, which dilute the focus of the Institute.

Eliminates Bureaucracy—The bill eliminates the five National Research Institutes, which were supposed to organize and support education research in specific areas but never did.

Guards Against Partisan or Political Activities—The decision-makers in charge of research, statistics and evaluation are required to be highly qualified in their respective fields, ensuring that scientists—not politicians—will be in charge. Also, these scientists must ensure that all activities at the Institute are free from bias and political influence.

Expands Competition—The bill expands competition to allow other research entities, such as public or private, profit or nonprofit research organizations, to compete for Federal funds. The Director has the flexibility to award contracts and grants to those entities that meet the priorities and the standards of the Institute.

Helps States and Schools—The bill specifically asks those responsible for technical assistance to focus on helping states and schools implement education reforms, especially as they relate to the No Child Left Behind Act.

I also want to highlight a provision included in this legislation to support states in developing longitudinal data systems. As schools, districts, and States work to collect, disaggregate, and analyze the data that No Child Left Behind requires, especially as they use that data to determine which schools and districts are making adequate yearly progress, it is critical that states have an adequate mechanism in place to monitor the academic achievement of students from year to year, and this bill can help ensure that states have the data they need to ensure accountability for results.

This legislation allows the Secretary to make grants to States for the development of statewide, longitudinal data systems. The intent of this program is to help States with their ongoing efforts to develop such a system, as needed. In some cases that may mean a State is starting from scratch. In others, a State that already has a data system in place at the district or school level may be assisted. I would encourage those States currently working, either on their own or with high quality organizations, to improve their data systems to apply for assistance under this provision.

Different school districts often use different systems of data collection. This language would allow a state to build a statewide, longitudinal data system that is comprised of diverse systems at the district and local level, so long as the data was collected at the State level in a consistent format.

Mr. Speaker, we have worked closely with the President and the administration as we have developed this bill, and have their support for its final passage.

And once again, I thank my colleagues, Mr. CASTLE, Mr. MILLER, Mr. KILDEE, and Senators GREGG and KENNEDY for making this bipartisan process work. We have continued the good relationship we had during the yearlong work on the No Child Left Behind Act. I am hopeful that we have set a new tone and a new example in Congress. Even in an election year, the approval by both the House and the Senate of the Education Sciences Reform Act of 2002 demonstrates once again that we can do great things when we work together.

The staff of both the House and Senate Committees is to be commended for their hard work too. Thank you, on both sides of the aisle and both sides of the Hill, for your outstanding work on this important legislation. I urge my Colleague to vote ''aye'' and pass this bill.

Mr. MCKEON, Mr. Speaker, I rise in support of H.R. 5598, the Education Sciences Reform Act of 2002, which will provide for the improvement of Federal education research.

We all know that educational research in all disciplines is critical to the education of America's youth. By requiring that research be based on valid scientific findings, H.R. 5598 will greatly improve the quality of federal scientific research in education.

As has been talked about today, the Education Sciences Reform Act will streamline and strengthen education research by replacing the current Office of Educational Research and Improvement with a new, more independent Institute of Education Science. The institute will provide the infrastructure necessary to undertake coordinated, high quality education research and statistical and program evaluation activities within the Department of Education.

Furthermore, H.R. 5598 establishes quality standards that will put an end to trends in education that masquerade as sensible science, requiring all federally funded activities to meet these new standards of quality, including scientifically based research. H.R. 5598 also makes certain that research priorities focus on solving key problems and are informed by the needs of teachers, parents and school administrators, rather than political pressure.

Finally, this bill makes technical assistance, including support in carrying out the conditions of No child Left Behind, ''customer-driven'' and accountable to school districts, states and regions.

With that in mind, I would like to thank the chairman of the Education Reform Subcommittee, the gentleman from Delaware, Mr. CASTLE, for his assistance and support of the Southern California Comprehensive Assistance Center, SCCAC. Because of the language included in the bill, regional education agencies like the Los Angeles County Office of Education (LACOE), California's largest regional educational agency, which have been critical in providing hands on technical assistance to low-performing schools and districts, will be competitive for grant funding under the technical assistance title.

Under the leadership of the Los Angeles County Office of Education, the SCCAC provides support, training, and assistance to local schools and communities in an effort to improve teaching and learning for all children, including those who live in poverty, have limited-English proficiency, are neglected, delinquent, or have disabilities.

As the gentleman is aware, section 203 of the bill ensures that local entities or consortia eligible to receive grants includes regional educational agencies as well. I want to, once again, thank the chairman for his assistance in ensuring that our local regional entities are eligible. We are very proud of the work done by our eight county comprehensive assistance center and the value it can bring to this new system.

In closing, I urge the House to vote ''yes'' on H.R. 5598, a bill that builds on the Administration's plans to reform America's education system—through accountability, flexibility and local control, research-based reform and expanded parental options. I believe that the passage of this bill will significantly ensure that our children have access to the most advanced educational opportunities possible.

Mr. CASTLE. Mr. Speaker, nearly 3 years ago, I introduced legislation to transform the Department of Education's Office of Educational Reform and Improvement, OERI, into a streamline, more independent and more scientific ''Institute of Education Sciences.'' Today, nearly 6 months after the House of Representatives passed the bill unanimously, we are poised enact long-overdue reforms to ensure that education research is based on science—not fads or fiction.

This year, President Bush signed landmark education reforms into law, demanding new and more challenging standards of accountability from our States and improved student achievement from our schools. Recognizing that any successful education reform effort requires the best information on how children learn, the words ''scientifically based research'' appear more than 100 times in the new law.

The reason for the focus on ''scientific'' research is simple; educators need to know what works if they are to improve student achievement. For that reason, among other things, my legislation: Replaces OERI with a new streamlined National Institute of Education Science; insulates Federal research, evaluations and statistics from inappropriate partisan or political influences; ensures high quality standards; creates a ''culture of science; by allowing the Director to attract the best researchers, evaluators and statisticians to the Institute; and, ensures that technical assistance is responsive to the needs of States and schools.

If we are to lift those who are struggling to achieve proficiency in reading, math and science, we must expect scientific rigor. And we must ensure that 'what works' in education informs classroom practice. My legislation does just that.

Of course, this legislation would not have been possible without the hard work of members on both sides of the aisle and both chambers of Congress. In particular, I want to thank the full Committee Chairman JOHN BOEHNER, Ranking Member GEORGE MILLER and my Subcommittee Ranking Member DALE KILDEE as well as Chairman KENNEDY and Ranking Member GREGG for their assistance and their strong support throughout this process.

I also want to thank Secretary Paige, Assistant Secretary Russ Whitehurst and the staff at the Department, whose counsel and technical expertise were invaluable. Last, but certainly not least, I want to thank the staff who put in countless hours to get this legislation right—Doug Mesecar, Bob Sweet, Sally Lovejoy, Alex Nock, Denise Forte, Jane Oats, Tracy Locklin, and Denzel McGuire. They all deserve our thanks and appreciation.

As there will be no conference report to accompany this legislation, I would like to take this opportunity to clarify a few points. The comprehensive centers under this act will provide essential technical assistance and professional development to help our States and schools advance the goals of the No Child Left Behind Act. It is our intent that the reference to ''local entities'' or ''consortia of such entities'' in section 203 include regional educational agencies as among those eligible to receive grants. As my colleague, Mr. MCKEON, has informed me, the state of California has a consortium of eight regional offices of education that provide hands-on technical assistance and professional development directly to schools in southern California. It is our intent that the regional offices of education will continue to be eligible to participate in our improved structure.

Finally, I would like to clarify the intent of section 117(d), regarding the supervision and removal authority of the Director. This section does not mean that the NCES Commissioner operates independently of the Director of the Institute. In fact, the Statistics Commissioner is an officer of the government and has the authority fulfill the duties stipulated in section 154 and section 155 of the bill, such as the authority to enter into contracts and the authority to supervise the technical work of the Statistics Center. However, since NCES is a part of the Institute it, along with the other National Education Centers, it ultimately subject to the oversight of the Director of the Institutes.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND PASSED

H.R. 5601, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

H.R. 5601

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Keeping Children and Families Safe Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Miscellaneous requirements relating to assistance.
Sec. 116. Authorization of appropriations.
Sec. 117. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking ''close to 1,000,000'' and inserting ''approximately 900,000'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

''(2)(A) more children suffer neglect than any other form of maltreatment; and

''(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

''(3)(A) child abuse can result in the death of a child;

''(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

''(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;'';

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

''(4)(A) many of these children and their families fail to receive adequate protection and treatment;

''(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

''(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;'';

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking ''organizations'' and inserting ''community-based organizations'';

(B) in subparagraph (D), by striking ''ensures'' and all that follows through ''knowledge,'' and inserting ''recognizes the need for properly trained staff with the qualifications needed''; and

(C) in subparagraph (E), by inserting before the semicolon the following: '', which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse'';

(6) in paragraph (7) (as so redesignated), by striking ''this national child and family emergency'' and inserting ''child abuse and neglect''; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking ''intensive'' and inserting ''needed''; and

(B) by striking ''if removal has taken place'' and inserting ''where appropriate''.

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking ''all programs,'' and all that follows through ''neglect; and'' and inserting ''all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;'';

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) maintain information about the best practices used for achieving improvements in child protective systems;''; and

(5) by adding at the end the following:

''(4) provide technical assistance upon request that may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under this Act; and

''(5) collect and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.''.

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking ''105(a); and'' and inserting ''104(a);'';

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and''.

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting '', including longitudinal research,'' after ''interdisciplinary program of research''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed'';

(C) in subparagraph (C)—

(i) by striking ''judicial procedures'' and inserting ''judicial systems, including multidisciplinary, coordinated decisionmaking procedures''; and

(ii) by striking ''and'' at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking ''and'' at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

''(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and'';

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

''(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

''(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

''(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

''(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

''(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and'';

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.'';

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

''(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

''(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).''.

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''nonprofit private agencies and'' and inserting ''private agencies and community-based''; and

(B) by inserting '', including replicating successful program models,'' after ''programs and activities''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.''.

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

''(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

''(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

''(A) for court-ordered, supervised visitation between children and abusing parents; and

''(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

''(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

''(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

''(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.

''(5) RESEARCH-BASED ADOLESCENT VICTIM/VICTIMIZER PREVENTION PROGRAMS.—The Secretary may award grants to organizations that demonstrate innovation in preventing child sexual abuse through school-based programs in partnership with parents and community-based organizations to establish a network of trainers who will work with schools to implement the program. The program shall be research-based, meet State guidelines for health education, and should reduce child sexual abuse by focusing on prevention for both adolescent victims and victimizers.''.

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking ''DEMONSTRATION'' and inserting ''GRANTS FOR'';

(2) in the matter preceding paragraph (1)—

(A) by inserting ''States,'' after ''contracts with,'';

(B) by striking ''nonprofit''; and

(C) by striking ''time limited, demonstration'';

(3) in paragraph (1)—

(A) in subparagraph (A), by striking ''law, education, social work, and other relevant fields'' and inserting ''law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,'';

(B) in subparagraph (B), by striking ''nonprofit'' and all that follows through ''; and'' and inserting ''children, youth and family service organizations in order to prevent child abuse and neglect;'';

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

''(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

''(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

''(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

''(G) for improving the training of supervisory and nonsupervisory child welfare workers;

''(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

''(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

''(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

''(ii) the parents of such infants.'';

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

''(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

''(A) accepts, screens, and assesses reports received to determined which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

''(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.'';

(6) in paragraph (3) (as so redesignated), by striking ''(such as Parents Anonymous)'';

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking ''(B) KINSHIP CARE.—'' and inserting the following:

''(4) KINSHIP CARE.—

''(A) IN GENERAL.—''; and

(ii) by striking ''nonprofit''; and

(8) by adding at the end the following:

''(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.''.

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

''(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.''; and

(4) in paragraph (4)(D), by striking ''nonprofit''.

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking ''demonstration'';

(2) in the second sentence, by inserting ''or contract'' after ''or as a separate grant''; and

(3) by adding at the end the following: ''In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.''.

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting '', including ongoing case monitoring,'' after ''case management''; and

(B) by inserting ''and treatment'' after ''and delivery of services'';

(2) in paragraph (4), by striking ''improving'' and all that follows through ''referral systems'' and inserting ''developing, improving, and implementing risk and safety assessment tools and protocols'';

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

''(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;'';

(6) in paragraph (6) (as so redesignated), by striking ''opportunities'' and all that follows through ''system'' and inserting ''including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals'';

(7) by inserting after paragraph (6) (as so redesignated) the following:

''(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;'';

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

''(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

''(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(A) existing social and health services;

''(B) financial assistance; and

''(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

''(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;''; and

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon;

(10) by adding at the end the following:

''(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

''(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''provide notice to the Secretary of any substantive changes'' and inserting the following: '' provide notice to the Secretary—

''(i) of any substantive changes; and'';

(ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.'';

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

''(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being physically affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure and requirements for the development of a plan of safe care for the infant;'';

(iii) in clause (iii) (as so redesignated), by inserting ''risk and'' before ''safety'';

(iv) by inserting after clause (iii) (as so redesignated), the following:

''(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;'';

(v) in clause (vii)(II) (as so redesignated), by striking '', having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect'' and inserting '', as described in clause (viii)'';

(vi) by inserting after clause (vii) (as so redesignated), the following:

''(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;'';

(vii) in clause (xii) (as so redesignated)—

(I) by inserting ''who has received training appropriate to the role, and'' after ''guardian ad litem,''; and

(II) by inserting ''who has received training appropriate to that role'' after ''advocate'';

(viii) in clause (xiv) (as so redesignated), by striking ''to be effective not later than 2 years after the date of enactment of this section'';

(ix) in clause (xv) (as so redesignated)—

(I) by striking ''to be effective not later than 2 years after the date of enactment of this section''; and

(II) by striking ''and'' at the end;

(x) in clause (xvi) (as so redesignated), by striking ''clause (xii)'' each place that such appears and inserting ''clause (xv)''; and

(xi) by adding at the end the following:

''(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

''(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

''(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers; and

''(xx) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;''; and

(C) in paragraph (2), by adding at the end the following flush sentence:

''Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect.''.

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking ''With regard to clauses (v) and (vi) of paragraph (2)(A)'' and inserting ''With regard to clauses (vi) and (vii) of paragraph (2)(A)''.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking ''and procedures'' and inserting '', procedures, and practices''; and

(II) by striking ''the agencies'' and inserting ''State and local child protection system agencies''; and

(ii) in clause (iii)(I), by striking ''State'' and inserting ''State and local''; and

(B) by adding at the end the following:

''(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).''; and

(2) in paragraph (6)—

(A) by striking ''public'' and inserting ''State and the public''; and

(B) by inserting before the period the following: ''and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system''.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

''(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

''(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.''.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

''(d) GAO STUDY.—The Comptroller General of the United States shall conduct a survey of a wide range of State and local child protection service systems to evaluate and submit to Congress a report concerning the cross training of child protective service workers and court personnel.

''(e) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.''.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.''.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking ''Secretary make'' and inserting ''Secretary shall make''; and

(2) by striking ''section 106'' and inserting ''section 104''.

SEC. 117. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

''(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

''(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''.

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''Statewide'' and all that follows through the dash, and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—'';

(B) in subparagraph (F), by striking ''and'' at the end; and

(C) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

''(H) provide referrals to early health and developmental services;''; and

(2) in paragraph (4)—

(A) by inserting ''through leveraging of funds'' after ''maximizing funding'';

(B) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(C) by striking ''family resource and support program'' and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate)''.

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

''TITLE II—COMMUNITY–BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(ii) by striking ''family resource and support programs'' and all that follows through the semicolon and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate);''

(B) in subparagraph (B), by inserting ''that exists to strengthen and support families to prevent child abuse and neglect'' after ''written authority of the State)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''a network of community-based family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B)—

(i) by striking ''to the network''; and

(ii) by inserting '', and parents with disabilities'' before the semicolon;

(C) in subparagraph (C), by striking ''to the network''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(C) in subparagraph (C), by striking ''and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(D) in subparagraph (D), by inserting '', parents with disabilities,'' after ''children with disabilities''.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking ''as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the'' and inserting ''as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated''; and

(2) by striking ''the lead agency'' and inserting ''the current lead agency''.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(B) by striking '', including those funded by programs consolidated under this Act,'';

(3) by striking paragraph (3), and inserting the following:

''(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;'';

(4) in paragraph (4), by striking ''State's network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (5), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(6) in paragraph (7), by striking ''individual community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(7) in paragraph (8), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(8) in paragraph (9), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(9) in paragraph (10), by inserting ''(where appropriate)'' after ''members'';

(10) in paragraph (11), by striking ''prevention-focused, family resource and support program'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(2) in paragraph (3)(B), by inserting ''voluntary home visiting and'' after ''including''; and

(3) by striking paragraph (6) and inserting the following:

''(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.''.

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking ''a Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect'';

(2) by striking paragraph (3), and inserting the following:

''(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);'';

(3) in paragraph (4),

(A) by inserting ''and parents with disabilities,'' after ''children with disabilities,'';

(B) by striking ''evaluation of'' the first place it appears and all that follows through ''under this title'' and inserting ''evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs'';

(4) in paragraph (5), by striking '', prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (6), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(6) in paragraph (8), by striking ''community based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking ''Statewide networks of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking ''given such term in section 602(a)(2)'' and inserting ''given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)''.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

''(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.''.

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the fiscal years 2004 through 2007.''.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

''(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

''(3) each year, thousands of children are in need of placement in permanent, adoptive homes;'';

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

''(7)(A) currently, there are 131,000 children waiting for adoption;''; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', including geographic barriers,'' after ''barriers''; and

(B) in paragraph (2), by striking ''a national'' and inserting ''an Internet-based national''.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 203. INFORMATION AND SERVICES.'';

(2) by striking ''SEC. 203. (a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(3) in subsection (b)—

(A) by inserting ''REQUIRED ACTIVITIES.—'' after ''(b)'';

(B) in paragraph (1), by striking ''nonprofit'' each place that such appears;

(C) in paragraph (2), by striking ''nonprofit'';

(D) in paragraph (3), by striking ''nonprofit'';

(E) in paragraph (4), by striking ''nonprofit'';

(F) in paragraph (6), by striking ''study the nature, scope, and effects of'' and insert ''support'';

(G) in paragraph (7), by striking ''nonprofit'';

(H) in paragraph (9)—

(i) by striking ''nonprofit''; and

(ii) by striking ''and'' at the end;

(I) in paragraph (10)—

(i) by striking ''nonprofit''; each place that such appears; and

(ii) by striking the period at the end and inserting ''; and''; and

(J) by adding at the end the following:

''(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

''(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

''(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

''(C) recruitment of prospective families for such children.'';

(4) in subsection (c)—

(A) by striking ''(c)(1) The Secretary'' and inserting the following:

''(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2) Services'' and inserting the following:

''(2) SERVICES.—Services''; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking ''and'' at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) day treatment; and

''(I) respite care.''; and

(D) by striking ''nonprofit''; each place that such appears;

(5) in subsection (d)—

(A) by striking ''(d)(1) The Secretary'' and inserting the following:

''(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2)(A) Each State'' and inserting the following:

''(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

''(A) APPLICATIONS.—Each State'';

(C) by striking ''(B) The Secretary'' and inserting the following:

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary'';

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking ''nonprofit'';

(E) by striking ''(3)(A) Payments'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.—Payments''; and

(F) by striking ''(B) Any payment'' and inserting the following:

''(B) REVERSION OF UNUSED FUNDS.—Any payment''; and

(6) by adding at the end the following:

''(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

''(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

''(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

''(B) developing models of financing cross-jurisdictional placements;

''(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

''(D) developing training materials and training social workers on preparing and moving children across State lines; and

''(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.''.

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking ''The'' and inserting ''(a) IN GENERAL.—The'';

(2) by striking ''of this Act'' and inserting ''of the Keeping Children and Families Safe Act of 2002'';

(3) by striking ''to determine the nature'' and inserting ''to determine—

''(1) the nature'';

(4) by striking ''which are not licensed'' and all that follows through ''entity'';'' and

(5) by adding at the end the following:

''(2) how interstate placements are being financed across State lines;

''(3) recommendations on best practice models for both interstate and intrastate adoptions; and

''(4) how State policies in defining special needs children differentiate or group similar categories of children.''.

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

''(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002.

''(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary, in consultation with the Comptroller General, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.''.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

''There are authorized to be appropriated $40,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007 to carry out programs and activities authorized under this subtitle.''.

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting ''studies indicate that a number of factors contribute to'' before ''the inability of'';

(B) by inserting ''some'' after ''inability of'';

(C) by striking ''who abuse drugs''; and

(D) by striking ''care for such infants'' and inserting ''care for their infants'';

(3) by amending paragraph (5) to read as follows:

''(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are

infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;'';

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting ''by parents abusing drugs,'' after ''deficiency syndrome,'';

(6) in paragraph (9), by striking ''comprehensive services'' and all that follows through the semicolon at the end and inserting ''comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and'';

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively.

(9) by adding at the end the following:

''(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.''.

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.''; and

(2) by striking subsection (b) and inserting the following:

''(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

''(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

''(2) have been perinatally exposed to a dangerous drug.''.

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

''(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

''(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

''(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

''(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

''(B) an estimate of the annual number of infants and young children who are victims of homicide;

''(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

''(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

''(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2002, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

''(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

''(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''AUTHORIZATION.—'' after ''(1)''; and

(B) in paragraph (2)—

(i) by inserting ''LIMITATION.—'' after ''(2)''; and

(ii) by striking ''fiscal year 1991.'' and inserting ''fiscal year 2002.''; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 103. DEFINITIONS.

''For purposes of this Act:

''(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

''(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

''(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

''(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

''(5) The term 'Secretary' means the Secretary of Health and Human Services.''.

Mr. BOEHNER. Mr. Speaker, I support H.R. 5601, the ''Keeping Children and Families Safe Act of 2002,'' to reauthorize the Child Abuse Prevention and Treatment Act, and its' related programs and acts. This bill is an alternative to the original bill, H.R. 3839, on which we were unable to reach agreement, and puts forth our efforts and commitment to ensure that programs aimed at the prevention of child abuse and neglect continue.

This bill improves program implementation and makes improvements to current law to ensure that states have the necessary resources and flexibility to properly address the prevention of child abuse and neglect.

Specifically, the bill:

Maintains important federal resources for identifying and addressing issues of child abuse and neglect.

Promotes the prevention of child abuse and neglect before it occurs.

Supports efforts to ensure that the current programs are operating effectively.

Promotes partnerships between child protective services and private and community-based organizations to improve child abuse and neglect prevention and treatment services.

Ensures that individuals are informed of abuse or neglect allegations against them, while ensuring the integrity of the confidential informant system.

Improves public education on the role of the child protective services system and appropriate reporting of suspected incidents of child abuse and neglect.

Improves the training, recruitment and retention of individuals providing services to children and families.

Continues local projects with demonstrated value in eliminating barriers to permanent adoption.

Supports programs that are intended to increase the number of older children placed in adoptive families.

Protects infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

Provides for the development of a plan of safe care for such infants.

Addresses the circumstances that often lead to child abandonment and provides support to prevent abandonment.

I want to thank my colleagues—Select Education Subcommittee Chairman HOEKSTRA, Mr. GREENWOOD, Mr. ROEMER, the ranking member of the Subcommittee on Select Education and Mr. MILLER, the ranking member of the full committee—for their efforts in bringing forward this alternative.

I urge my colleagues to join me in support of H.R. 5601, the Keeping Children and Families Safe Act of 2002.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 670, to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the ''Bruce F. Cotta Post Office Building''.

H.R. 670

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

SECTION 1. BRUCE F. COTTA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, shall be known and designated as the ''Bruce F. Cotta Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Bruce F. Cotta Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 669, to designate the facility of the United States Postal Service located at 127 Social Street in

Woonsocket, Rhode Island, as the ''Alphonse F. Auclair Post Office Building''.

H.R. 669

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

SECTION 1. ALPHONSE F. AUCLAIR POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, shall be known and designated as the ''Alphonse F. Auclair Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Alphonse F. Auclair Post Office Building.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND PASSED

H.R. 5205, to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5205

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

SECTION 1. PERMITTING USE OF ESTIMATED AMOUNTS IN DETERMINING SERVICE LONGEVITY COMPONENT OF FEDERAL BENEFIT PAYMENTS TO METROPOLITAN POLICE DEPARTMENT RETIREES.

(a) IN GENERAL.—Section 11012(e) of the District of Columbia Retirement Protection Act of 1997 (Public Law 105–33; sec. 1–803.02(e), D.C. Official Code) is amended by adding at the end the following: ''The Secretary of the Treasury is authorized to estimate the additional compensation for service longevity for purposes of determining the amount of a Federal benefit payment for annuitants who retire on or after August 29, 1972, and on or before December 31, 2001, and to make Federal benefit payments based upon such estimates.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of title IX of division A of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001).

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS AND AGREED TO

House Concurrent Resolution 406, honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. CON. RES. 406

Whereas one of the largest clandestine operations in United States military history was conducted in Laos during the Vietnam War;

Whereas the Central Intelligence Agency and the United States Armed Forces recruited, organized, trained, and assisted Laotian and Hmong guerrilla units and conventional forces, including ethnic lowland Lao and highland Laotians composed of Hmong, Khmu, Mien, Yao, Lahu, and other diverse tribal and nontribal ethnic groups, from 1960 through 1975 to combat the North Vietnamese Army and Communist Pathet Lao forces;

Whereas Laotian and Hmong special forces who served in the United States sponsored ''Secret Army'' courageously saved numerous American pilots and aircrews who were shot down over Laos or North Vietnam and interdicted and helped to destroy many enemy units and convoys intended to engage United States military forces in combat;

Whereas Laotian and Hmong special forces served in key roles with air force elements of the United States Air Force, United States Navy carrier-based air units, United States Army heliborne units, and the Central Intelligence Agency's ''Air America'' in distinguished roles such as T–28 fighter pilots, ''Raven'' spotter co-pilots, Forward Air Guides, and mobile group rescue and combat reconnaissance units;

Whereas Laotian and Hmong special forces, including highly decorated group mobile units, served in daring and courageous heliborne and airborne combat operations in support of joint United States and Royal Lao Army military operations in Laos and Vietnam, including interdiction of enemy troop movements and supply convoys using the Ho Chi Minh Trail;

Whereas Laotian and Hmong special forces guarded one of the most highly sensitive United States intelligence and electronic targeting sites in all of Southeast Asia during the Vietnam War, LIMA Site 85, which permitted the United States Air Force and Navy to conduct the all-weather and night bombing of enemy targets in North Vietnam;

Whereas tens of thousands of members of the Laotian and Hmong special forces and their families were trapped in Laos when the Communists took over, and many of these persons were brutally persecuted, imprisoned, or killed because of their role in defending Laos and assisting the United States as allies;

Whereas many of those members of the Laotian and Hmong special forces and their families who avoided capture suffered for years in horrific conditions as political refugees in refugee camps in neighboring Thailand;

Whereas the United States is now the home to significant communities of the Laotian and Hmong veterans and their families after providing them with political asylum, refugee status, and citizenship because of their unique contribution to United States national security interests during the Vietnam War;

Whereas the Lao Veterans of America was founded as a nonprofit veterans organization in 1990 to honor and assist Laotian and Hmong veterans who served with or assisted the United States Armed Forces during the Vietnam War;

Whereas the Lao Veterans of America has established chapters throughout the United States that have sought to serve their communities and educate the public about the historic contribution of the Lao and Hmong veterans during the Vietnam War;

Whereas the Lao Veterans of America spearheaded and led national efforts in the Congress to seek to provide citizenship to elderly Laotian and Hmong veterans, as well as their spouses or widows;

Whereas in 1995, a historic Lao Veterans of America ceremony was held at the airbase and headquarters of the 144th Fighter Wing of the Air National Guard in Fresno, California, along with a memorial service and overflights of T–28 fighter aircraft to honor the Laotian and Hmong veterans, their American advisers, and the Lao Veterans of America and other veterans organizations;

Whereas in 1997, long overdue national recognition and honor was finally bestowed upon the Lao Veterans of America and thousands of Laotian and Hmong veterans and their American advisers at the Vietnam Veterans Memorial in the District of Columbia and at Arlington National Cemetery in Arlington, Virginia, by Members of the Congress and representatives of the United States intelligence, military, and diplomatic communities;

Whereas in 1997, a monument was dedicated at Arlington National Cemetery by the Lao Veterans of America to honor the Laotian and Hmong veterans and their American advisers who served during the Vietnam War; and

Whereas in 2000, thousands of additional Lao and Hmong veterans were again honored, after a veterans memorial service and parade lead by the Lao Veterans of America that progressed from the Vietnam Veterans Memorial, past the White House, and down Pennsylvania Avenue to the United States Capitol, where a national commemorative service was held: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors and commends the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War who served with or assisted the United States Armed Forces, and the families of these Laotian and Hmong veterans, for their historic contributions to the United States.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 542, congratulating the Bryan Packers American Legion baseball team from West Point, Mississippi, for their outstanding performance in winning the 2002 American Legion World Series.

H. RES. 542

Whereas the Bryan Packers baseball team from West Point, Mississippi, is the 2002 champion of the American Legion World Series;

Whereas the American Legion baseball program began in 1926 and is the oldest amateur baseball program in the United States and includes 5,300 registered baseball teams;

Whereas 55 percent of professional baseball players and 70 percent of college baseball players played American Legion baseball as teenagers;

Whereas the West Point team is the first team from Mississippi ever to win the American Legion World Series;

Whereas a team from Region 4, which includes Mississippi, has won the American Legion Championship only twice before, most recently in 1968;

Whereas the Packers have won 4 State titles in the past 6 years;

Whereas this North Mississippi team finished the 3 month season with a record of 47–13, and went 12–2 in post-season play;

Whereas 4 members of the All-Tournament team, Corey Carter, Dusty Snider, Josh Johnson, and Jeff Shafer, were Bryan Packers;

Whereas the Tournament Most Valuable Player was Packers pitcher, Josh Johnson;

Whereas Josh Johnson also won the tournament's Bob Feller Pitching Award with 34 strikeouts;

Whereas Corey Carter won the tournament's Rawlings Big Stick Award with 31 bases; and

Whereas Packers Coach Frank Portera, who started the West Point team 9 years ago, won the tournament's Jack Williams Memorial Leadership award: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Bryan Packers American Legion baseball team from West Point,

Mississippi, for their outstanding performance in winning the 2002 American Legion World Series;

(2) recognizes Frank Portera, the Packers' coach, and players Justin Best, Russell Bourland, Corey Carter, Joby Garner, Tyler Hunter, Scottie Jacobs, Drew Jaudon, Josh Johnson, Lance Martin, Brandon McGarity, Dave Nanney, Brent Patton, John Raymond Pitre, Taylor Robertson, Jeff Schafer, Dusty Snider, Chris Stamps, and Rod Williams for demonstrating excellence and character throughout the baseball season; and

(3) commends American Legion Baseball for its 76-year tradition of encouraging the development of sportsmanship and confidence in youth through its sponsorship of world-class baseball.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 572, honoring the 225th anniversary of the signing of the Articles of Confederation.

H. RES. 572

Whereas the Continental Congress met in York, Pennsylvania, from September 30, 1777, to June 27, 1778, to debate the very same issues that face Congress today, such as individual freedoms, taxes, and State versus Federal rights;

Whereas on November 15, 1777, the Continental Congress adopted the Articles of Confederation in the York County Courthouse, thereby establishing the first document that united the 13 original colonies as the United States of America;

Whereas the Articles of Confederation established the first legal system until the adoption of the Constitution;

Whereas the Continental Congress, in York, Pennsylvania, proclaimed the first Thanksgiving Day as a National Day of Thanksgiving and Praise on December 18, 1777;

Whereas the Continental Congress ratified the French Treaty of Amity and Commerce and the Treaty of Alliance at the York County Courthouse, York, Pennsylvania, on May 4, 1778;

Whereas the Continental Congress adjourned from the York County Courthouse on June 27, 1778, after receiving a letter from General Washington stating that the British army had vacated Philadelphia, Pennsylvania, and the Continental Congress departed York, Pennsylvania, to return to Independence Hall in Philadelphia, Pennsylvania; and

Whereas November 15, 2002, is the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania: Now, therefore, be it

Resolved, That the House of Representatives, on the occasion of the 225th anniversary of the signing of the Articles of Confederation in York, Pennsylvania, congratulates the City and County of York and its residents for their important contributions to the birth of our Nation, the United States of America.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Concurrent Resolution 504, congratulating the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship.

H. CON. RES. 504

Whereas the Protecting Our Nation's Youth (PONY) Organization sponsors various baseball and softball leagues for young people throughout the world, including the PONY League for 13- and 14-year-olds;

Whereas the PONY League baseball team of Norwalk, California, won the 2002 PONY League World Championship held in Washington, Pennsylvania, on August 24, 2002;

Whereas, in order to win the World Championship Title, the Norwalk team defeated the PONY League baseball team of Washington, Pennsylvania, by a score of 11 to 7, the PONY League baseball team of Hagerstown, Maryland, by a score of 11 to 0, the PONY League baseball team of Port Neches, Texas, by a score of 11 to 4, and, finally, the PONY League baseball team of Levittown, Puerto Rico, by a score of 10 to 0;

Whereas the Norwalk team is the third team from California during the last 6 years to win the PONY League World Championship;

Whereas the Norwalk team's success would not have been possible without the support of the players' parents; volunteer manager, Ruben Velazquez; and volunteer coaches, George Sanchez and Tony Riveras;

Whereas each of the athletes on the Norwalk team—Art Gonzalez, Jimmy Buentello, Frankie Lucero, Johnny Perez, Gabriel Schwulst, Danny Dutch, Miguel Flores, Jesus Cabral, Tony Zarco, Jamil Acosta, Eddie Murray, George Sanchez, Richard Melendrez, Anthony Topete, and Victor Sanchez—devoted a great deal of time and effort to the practices that led to the World Championship victory; and

Whereas the PONY League provides young people throughout the world an opportunity to enjoy the competitive sport of baseball, build character, and learn important skills such as teamwork: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the PONY League baseball team of Norwalk, California, for winning the 2002 PONY League World Championship;

(2) recognizes the parents of the team's players and the team's volunteer manager and coaches for providing the support which made the team's victory possible; and

(3) recognizes the Protecting Our Nation's Youth (PONY) Organization for providing safe recreational opportunities for young people and an opportunity for young athletes to become positive role models for other youth.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 532, commending the Los Angeles Sparks basketball team for winning the 2002 Women's National Basketball Association championship.

H. RES. 532

Whereas in 2002, the Los Angeles Sparks basketball team won its second consecutive championship title, becoming only the 2nd team in the Women's National Basketball Association (WNBA) to win multiple championships;

Whereas the Sparks finished the season with a 25 and 7 record and won all 6 of their playoff games, tying the WNBA record;

Whereas team captain, Lisa Leslie, was named Most Valuable Player of both the WNBA All-Star Game and the WNBA finals for the 2nd straight year;

Whereas Mwadi Mabika and Lisa Leslie were named to the first All-WNBA team;

Whereas Nikki Teasley tied her own WNBA record with 11 assists and scored the winning basket in the final game; and

Whereas each player, coach, trainer, and manager dedicated their time and effort to ensuring the Sparks reached the summit of team achievement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates—

(A) the Los Angeles Sparks for winning the 2002 Women's National Basketball Association championships; and

(B) all of the 16 teams that compose the WNBA for their hard work and dedication to the sport of basketball and for their display of sportsmanship throughout the WNBA season;

(2) recognizes the achievements of all the players, coaches, support staff, and fans who were instrumental in helping the Sparks win the championship; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Sparks for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the Sparks championship team.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM AND AGREED TO

House Resolution 571, honoring the life of David O. ''Doc'' Cooke, the ''Mayor of the Pentagon''.

H. RES. 571

Whereas for 44 years, David O. ''Doc'' Cooke's tireless dedication, skill, and involvement in Department of Defense management issues earned him the respect of his colleagues and distinction as a Pentagon institution;

Whereas as the quintessential civil servant, Doc Cooke rose to become the highest ranking career civil servant within the Department of Defense;

Whereas in his jobs as the Director of Administration and Management for the Office of the Secretary of Defense, and Director of Washington Headquarters Services, Doc Cooke was responsible for maintenance, operation, and security of buildings of the Department of Defense in the Washington, D.C. area, including the Pentagon Reservation;

Whereas because of his propensity to make things happen, Doc Cooke was respectfully known as the ''Mayor of the Pentagon'';

Whereas Doc Cooke was born in 1920 in Buffalo, New York, and went on to earn a bachelor's degree in education from the State Teachers College at Buffalo in 1941, a master's degree in political science from the New York State College for Teachers in 1942, and a law degree in 1950 from George Washington University, where he was a member of the Law Review;

Whereas Doc Cooke served in the Navy during World War II as an officer on the USS Pennsylvania; returned to active duty during the Korean war, during which time he served as an instructor in the School of Naval Justice; and retired in 1968 as a Navy captain;

Whereas Doc Cooke served on Defense Secretary Neil McElroy's task force on Department of Defense reorganization in 1958; worked for Defense Secretary Robert McNamara, as Director of the Office of Organizational and Management Planning, implementing changes in Department of Defense organization; and worked for every other Secretary of Defense since then;

Whereas during the late 1980s and early 1990s, Doc Cooke was a strong advocate for renovation of the Pentagon;

Whereas many of the construction specifications supported by Doc Cooke helped to save lives during the terrorist attack on the Pentagon on September 11, 2001;

Whereas Doc Cooke could be seen assisting in the response to the terrorist attack on the Pentagon on September 11, 2001;

Whereas throughout the Department of Defense, Doc Cooke was noted for his strong support of equal employment opportunity for minorities, women, and individuals with disabilities;

Whereas Doc Cooke was instrumental in establishing a Public Service Academy at Anacostia High School in the District of Columbia, which has helped to increase the graduation rate of students;

Whereas Doc Cooke served as a member of the seven-member Governance Committee of United Way of the National Capital Area's September 11 Fund, deciding how to distribute disaster relief funds collected after September 11;

Whereas Doc Cooke has been recognized for his extraordinary performance through numerous awards, including the Department of Defense Medal for Distinguished Civilian Service (the Department's highest department career award) seven times; the Department of Defense Medal for Outstanding Public Service; the Department of Defense Medal for Distinguished Public Service twice; the Roger W. Jones Award for Executive Leadership from American University (1983); the NAACP Benjamin L. Hooks Distinguished Service Award (1994); the Presidential Meritorious Rank Award (1994); the Government Executive Leadership Award (1995); a Presidential Distinguished Rank Award (1995); a National Public Service Award (1997); the President's Award for Distinguished Federal Civilian Service (1998), the highest Government service award; the John O. Marsh Public Service Award (2000); the Senior Executives Association Board of Directors Award (2001); the Nelson A. Rockefeller College of Public Affairs and Policy Distinguished Alumnus Award (2001); an award from the University at Albany Alumni Association for ''Recognition for Outstanding Service'' (2001); and the American Society of Public Administration Elmer B. Staats Lifetime Achievement Award for Distinguished Service (2002); and

Whereas on June 22, 2002, Doc Cooke died as the result of injuries sustained in an automobile accident, after a long and distinguished career in government, in which he became the model for civil servants: Now, therefore, be it:

Resolved, That the House of Representatives—

(1) recognizes David O. ''Doc'' Cooke's legendary professionalism as a model civil servant;

(2) honors Doc Cooke's life; and

(3) extends its condolences to the Cooke family and the Department of Defense community on the death of an extraordinary human being.

DISCHARGED FROM THE COMMITTEE ON EDUCATION AND THE WORKFORCE AND AGREED TO

House Concurrent Resolution 467, expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. CON. RES. 467

Whereas Lionel Hampton was one the Nation's greatest jazz musicians, composers, and band leaders;

Whereas Lionel Hampton was one of the first musicians to play the vibraphone in jazz, setting the standard for mastery of that instrument;

Whereas Lionel Hampton nurtured and inspired many of the greatest performers of jazz music who would go on to fame in their own right;

Whereas Lionel Hampton shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for first time an integrated public face of jazz music;

Whereas Lionel Hampton, with his performances around the world, was a musical ambassador of goodwill and friendship for the United States;

Whereas Lionel Hampton was never deterred by fame from contributing to the Harlem, New York, community that he viewed as his home;

Whereas Lionel Hampton was active in the development of affordable housing, among them Harlem's Gladys Hampton Houses, named after his late wife, the former Gladys Riddle;

Whereas Lionel Hampton performed at the White House under Republican and Democratic presidents and was honored with the Presidential Gold Medal by President Bill Clinton; and

Whereas Lionel Hampton was born in Louisville, Kentucky on April 20, 1908, and died in New York City on August 31, 2002: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.

DISCHARGED FROM THE COMMITTEE ON INTERNATIONAL RELATIONS, AMENDED, AND AGREED TO

House Resolution 410, expressing the sense of the House of Representatives regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership of the Dalai Lama or his representatives.

H. RES. 410

Whereas Jiang Zemin, President of the People's Republic of China, is scheduled to visit the United States in October of 2002;

Whereas Gedhun Choekyi Nyima was taken from his home by Chinese authorities on May 17, 1995, at the age of 6, shortly after being recognized as the 11th incarnation of the Panchen Lama by the Dalai Lama;

Whereas the forced disappearance of the Panchen Lama violates fundamental freedoms enshrined in international human rights covenants to which the People's Republic of China is a party, including the Convention on the Rights of the Child;

Whereas the use of religious belief as the primary criteria for repression against Tibetans reflects a continuing pattern of grave human rights violations that have occurred since the invasion of Tibet in 1949–50;

Whereas the State Department Country Reports on Human Rights Practices for 2001 states that repressive social and political controls continue to limit the fundamental freedoms of Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage, and that repeated requests for access to the Panchen Lama to confirm his well-being and whereabouts have been denied;

Whereas the appointment of the Under Secretary of State for Global Affairs, Paula J. Dobrianksy, as the Special Coordinator for Tibetan Issues is a positive sign that the United States Government places a priority on the political and religious liberties of the people of Tibet; and

Whereas the direct contact reestablished in September 2002 between the Government of the People's Republic of China and the representatives of the Dalai Lama is a welcome gesture and should provide a basis for regular dialogue leading to a mutually acceptable solution for Tibet: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) President Jiang Zemin should be made aware of congressional concern for the Panchen Lama and the need to resolve the situation in Tibet through dialogue with the Dalai Lama or his representatives; and

(2) the Government of the People's Republic of China should—

(A) release the Panchen Lama and allow him to pursue his traditional role at Tashi Lhunpo monastery in Tibet; and

(B) enter into dialogue with the Dalai Lama or his representatives in order to find a negotiated solution for genuine autonomy that respects the rights of all Tibetans.

DISCHARGED FROM THE COMMITTEE ON GOVERNMENT REFORM, AMENDED, AND AGREED TO

House Concurrent Resolution 486, expressing the sense of Congress that there should be established a Pancreatic Cancer Awareness Month.

H. CON. RES. 486

Whereas over 30,300 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas the mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;

Whereas pancreatic cancer is the 4th most common cause of cancer death for men and women in the United States;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis disease is only 3 to 6 months;

Whereas pancreatic cancer does not discriminate by age, gender, or race, and only 4 percent of patients survive beyond 5 years;

Whereas the Pancreatic Cancer Action Network (PanCAN), the only national advocacy organization for pancreatic cancer patients, facilitates awareness, patient support, professional education, and advocacy for pancreatic cancer research funding, with a view to ultimately developing a cure for pancreatic cancer; and

Whereas the Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that there should be established a Pancreatic Cancer Awareness Month.

DISCHARGED FROM THE COMMITTEE ON HOUSE ADMINISTRATION, AMENDED, AND AGREED TO

House Concurrent Resolution 487, authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the CONGRESSIONAL RECORD on the terrorist attacks of September 11, 2001.

H. CON. RES. 487

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING PRINTING OF VOLUME OF TRANSCRIPTS OF NEW YORK CITY MEETING AND STATEMENTS ON TERRORIST ATTACKS OF SEPTEMBER 11.

(a) IN GENERAL.—A volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senators on the terrorist attacks of September 11, 2001, shall be printed as a House document under the direction of the Joint Committee on Printing, with suitable binding.

(b) STATEMENTS TO BE INCLUDED IN VOLUME.—A statement by a Member of the House of Representatives or a Senator on the

terrorist attacks of September 11, 2001, shall be included in the volume printed under subsection (a) if the statement—

(1) was printed in the Congressional Record prior to the most recent date on which the House of Representatives adjourned prior to the date of the regularly scheduled general election in November 2002; and

(2) is approved for inclusion in the volume by the Committee on House Administration of the House of Representatives (in the case of a statement by a Member of the House) or the Committee on Rules and Administration of the Senate (in the case of a statement by a Senator).

SEC. 2. NUMBER OF COPIES.

The number of copies of the document printed under section 1 shall be 15,000 casebound copies, of which—

(1) 15 shall be provided to each Member of the House of Representatives;

(2) 25 shall be provided to each Senator; and

(3) the balance shall be distributed by the Joint Committee on Printing to Members of the House of Representatives and Senators, based on requests submitted to the joint Committee by Members and Senators.

SEC. 3. MEMBER DEFINED.

In this concurrent resolution, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

AMENDED BY COMMITTEE AMENDMENT AND PASSED

H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 5400

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

SECTION 1. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

(a) IN GENERAL.—Part 2 of subtitle D of title V of Public Law 103–182 (22 U.S.C. 290m—290m–3) is amended by adding at the end the following:

''SEC. 545. AUTHORITY TO AGREE TO CERTAIN AMENDMENTS TO THE BORDER ENVIRONMENT COOPERATION AGREEMENT.

''The President may agree to amendments to the Cooperation Agreement that—

''(1) enable the Bank to make grants and non-market rate loans out of its paid-in capital resources with the approval of its Board; and

''(2) amend the definition of 'border region' to include the area in the United States that is within 100 kilometers of the international boundary between the United States and Mexico, and the area in Mexico that is within 300 kilometers of the international boundary between the United States and Mexico.''.

(b) CLERICAL AMENDMENT.—Section 1(b) of such public law is amended in the table of contents by inserting after the item relating to section 544 the following:

''Sec. 545. Authority to agree to certain amendments to the Border Environment Cooperation Agreement.''.

SEC. 2. ANNUAL REPORT.

The Secretary of the Treasury shall submit annually to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the North American Development Bank, which addresses the following issues:

(1) The number and description of the projects that the North American Development Bank has approved. The description shall include the level of market-rate loans, non-market-rate loans, and grants used in an approved project, and a description of whether an approved project is located within 100 kilometers of the international boundary between the United States and Mexico or within 300 kilometers of the international boundary between the United States and Mexico.

(2) The number and description of the approved projects in which money has been dispersed.

(3) The number and description of the projects which have been certified by the Border Environment Cooperation Commission, but yet not financed by the North American Development Bank, and the reasons that the projects have not yet been financed.

(4) The total of the paid-in capital, callable capital, and retained earnings of the North American Development Bank, and the uses of such amounts.

(5) A description of any efforts and discussions between the United States and Mexican governments to expand the type of projects which the North American Development Bank finances beyond environmental projects.

(6) A description of any efforts and discussions between the United States and Mexican governments to improve the effectiveness of the North American Development Bank.

(7) The number and description of projects authorized under the Water Conservation Investment Fund of the North American Development Bank.

SEC. 3. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION FOR TEXAS IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE LOWER RIO GRANDE RIVER VALLEY.

(a) FINDINGS.—The Congress finds that—

(1) Texas irrigators and agricultural producers are suffering enormous hardships in the lower Rio Grande River valley because of Mexico's failure to abide by the 1944 Water Treaty entered into by the United States and Mexico;

(2) over the last 10 years, Mexico has accumulated a 1,500,000-acre fee water debt to the United States which has resulted in a very minimal and inadequate irrigation water supply in Texas;

(3) recent studies by Texas A&M University show that water savings of 30 percent or more can be achieved by improvements in irrigation system infrastructure such as canal lining and metering;

(4) on August 20, 2002, the Board of the North American Development Bank agreed to the creation in the Bank of a Water Conservation Investment Fund, as required by Minute 308 to the 1944 Water Treaty, which was an agreement signed by the United States and Mexico on June 28, 2002; and

(5) the Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank; and

(2) the Board of the North American Development Bank should support qualified water conservation projects which can assist Texas irrigators and agricultural producers in the lower Rio Grande River Valley.

SEC. 4. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS WHICH FINANCE WATER CONSERVATION IN THE SOUTHERN CALIFORNIA AREA.

It is the sense of the Congress that the Board of the North American Development Bank should support—

(1) the development of qualified water conservation projects in southern California and other eligible areas in the 4 United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and

(2) new water supply research and projects along the Mexico border in southern California and other eligible areas in the 4 United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

SEC. 5. SENSE OF THE CONGRESS RELATING TO UNITED STATES SUPPORT FOR NADBANK PROJECTS FOR WHICH FINANCE WATER CONSERVATION FOR IRRIGATORS AND AGRICULTURAL PRODUCERS IN THE SOUTHWEST UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) Irrigators and agricultural producers are suffering enormous hardships in the southwest United States. The border States of California, Arizona, New Mexico, and Texas are suffering from one of the worst droughts in history. In Arizona, this is the second driest period in recorded history and the worst since 1904.

(2) In spite of decades of water conservation in the southwest United States, irrigated agriculture uses more than 60 percent of surface and ground water.

(3) The most inadequate water supplies in the United States are in the Southwest, including the lower Colorado River basin and the Great Plains River basins south of the Platte River. In these areas, 70 percent of the water taken from the stream is not returned.

(4) The amount of water being pumped out of groundwater sources in many areas is greater than the amount being replenished, thus depleting the groundwater supply.

(5) On August 20, 2002, the Board of the North American Development Bank agreed to the creation in the bank of a Water Conservation Investment Fund.

(6) The Water Conservation Investment Fund of the North American Development Bank stated that up to $80,000,000 would be available for grant financing of water conservation projects, which grant funds would be divided equally between the United States and Mexico.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) water conservation projects are eligible for funding from the North American Development Bank under the Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank;

(2) the Board of the North American Development Bank should support qualified water conservation projects that can assist irrigators and agricultural producers; and

(3) the Board of the North American Development Bank should take into consideration the needs of all of the border states before approving funding for water projects, and strive to fund water conservation projects in each of the border states.

SEC. 6. ADDITIONAL SENSES OF THE CONGRESS.

(a) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address coastal issues and the problem of pollution in both countries having an environmental impact along the Pacific Ocean and Gulf of Mexico shores of the United States and Mexico.

(b) It is the sense of the Congress that the Board of the North American Development Bank should support the financing of projects, on both sides of the international boundary between the United States and Mexico, which address air pollution.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the various titles are amended.

There was no objection.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measures just passed, and to insert extraneous material thereon.

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

There was no objection.

□ 2340

RECOGNIZING BOYLE-TURTON PRECEDENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the previously read unanimous consent be recognized in the RECORD as the Boyle-Turton precedent.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will take the gentleman's request under advisement.

ENGAGEMENT OF MS. SHANTI OCHS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, it has been brought to my attention that one Shanti Ochs, a distinguished member of our floor staff, is sporting a new diamond ring on her left hand. This causes the gentleman from Texas to conclude that she has just become engaged to a young man who most certainly is not good enough for her. So I would recommend to Ms. Shanti Ochs that she postpone any permanent wedding plans until the majority leader receives his FBI report on the young man in question.

HOUR OF MEETING ON FRIDAY, OCTOBER 11, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF HON. DAN MILLER OF FLORIDA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 15, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
October 10, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 15, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM CONSTITUENT SERVICES REPRESENTATIVE OF HON. JOHN LINDER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dessie Martin, Senior Constituent Services Representative to the Honorable JOHN LINDER, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Juvenile Court of Bartow County, Georgia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DESSIE MARTIN,
Senior Constituent Services Representative.

COMMUNICATION FROM HON. MICHAEL BILIRAKIS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable MICHAEL BILIRAKIS, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the Circuit Court for Pinellas County, Florida.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MICHAEL BILIRAKIS,
Member of Congress.

AGRICULTURAL DISASTER ASSISTANCE NEEDED

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, it has been a tough week. But as we wind down this congressional session, I come to this floor to make one more plea on behalf of our Nation's farmers and ranchers. Producers in this country have suffered through multiple years of drought, causing many to go out of business and others to cut severely into the equity they have built for generations.

My message today is simple: Before we leave town, we must do the right thing for farmers. It is not too late. Members of this House, let us agree that this farm country drought is a natural disaster. And let us also agree to compensate those hard-working farmers for their economic losses in the same way we would compensate producers who suffer from the devastation of a Florida hurricane or the ravages of a Mississippi flood. There is no difference. Let us address this crisis before we adjourn by passing a meaningful agriculture disaster assistance package for 2001 and 2002.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 until midnight.

SHINING EXAMPLES OF VOLUNTEERISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor several organizations and individuals in my congressional district who have done an extraordinary job of serving our communities.

It is my pleasure to recognize Marilyn Adamo, Monsignor Emilio

Vallina, the Brickell Homeowners Association, John ''Footy'' Cross, Steve Safron, Davrye Gibson-Smith and the Miami Heat basketball team, Norman Lipoff, Johnathan Mayer, and Debra Berger, just a few shining examples of what altruism and selflessness are all about.

For example, Marilyn Adamo, working through Protect America's Children, should be commended for her work on passage of the Jennifer Act, a law protecting children against crimes and abductions.

Marilyn Adamo will soon begin a national campaign to ensure that the critical importance of the Jennifer Act is extended to every jurisdiction nationwide. The Jennifer Act authorizes the police and prosecutors to apprehend and to convict child stalkers and sexual predators before the child's physical safety is irreversibly placed in harm's way.

The law makes any credible threat or intentional stalking of children under 16 years of age a third degree felony.

I am happy to recognize these selfless efforts just as I am pleased to also recognize humanitarian efforts by individuals like Monsignor Emilio Vallina, the first recipient of the Monsignor Bryan O. Walsh Humanitarian Award.

This award, established by the Mercy Hospital Foundation, recognizes an individual displaying a deep commitment to our community and whose devotion has shown great acts of love, compassion and honor.

I want to thank Monsignor Vallina for the positive impact he has had on the lives of so many people. I am glad to know he is being honored for his devotion to the needy and that he has made such positive impacts on the lives of so many in South Florida.

Individuals sharing the values of self-sacrifice like the Monsignor, I am also happy to say, sometimes also join forces to work together toward similar goals.

A great example is the Brickell Homeowners Association made up of residents along downtown Miami's Brickell Avenue corridor and those on Brickell Key. This coalition of over 30 condominium associations has helped build a community and mobilize support for critical quality-of-life matters. The BHA has tackled issues affecting our area and has worked closely with professionals and elected officials to find solutions that enhance the residential character of their neighborhood.

The BHA President Tory Jacobs, Vice President Veena Panjabi, Treasurer Norman Mininberg, Secretary Mac Seligman, and Chairperson Herbert Bailey do a great job of leading efforts to help 16,000 residents from the Miami River to the Rickenbacker Causeway and are shining examples of volunteerism and activism.

In today's world these two virtues are increasingly important and one man who steps forward every year in embodying them is John ''Footy'' Cross. Footy, along with Steve Safron, head Here's Help, a local drug rehab center fighting drug abuse in our community.

Every year, Footy and Steve Safron together with Y–100 radio station have the Bubbles and Bones event, a festival drawing over 50,000 people each time. The event features a competition with South Florida restaurants, national entertainment, an amusement area, and a celebrity auction, with the proceeds benefiting Here's Help.

I have mentioned just a few common individuals exemplifying an uncommon charitable character. However, when organizations like the Miami Heat basketball team, that have already had national recognition come together to help our community, it is indeed noteworthy. The Miami Heat moved forward to do something constructive about low test scores and performance ratings in some of our Miami-Dade County Public Schools.

The Miami Heat sponsors the HEAT Academy, an after-school enrichment program offering tutoring in reading and math to students in our community attending low-performance schools in mostly minority-populated areas.

As a former educator, I take my hat off to the Miami Heat and Davrye Gibson-Smith of the HEAT Academy for their efforts in assisting all children and their families in pursuit of a quality education and a positive environment.

□ 2350

But I could not conclude my statement without also congratulating Project Interchange, an institution devoted to educating American policymakers and opinion leaders about Israel through firsthand experience. Norman Lipoff of Coconut Grove and Jonathan Mayer of Miami Beach along with Deborah Berger, founder of Project Interchange, are celebrating its 20th year. This year Ms. Berger will be honored for her outstanding career dedicated to educating leaders of all races through intensive seminars by advocating acceptance and respect.

Together with Ms. Berger, Mr. Lipoff and Mr. Mayer have been instrumental in sending nearly 3,000 leaders to the Interchange's crash course seminar that for the past 20 years has encouraged and maintained pluralism and tolerance in the United States. It is a pleasure today for me to commend these individuals. They are shining examples of what makes this country great.

QUESTIONS RAISED OUT OF LOVE FOR NATION

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, there is a saying that we must be careful what we ask for because we might get it. Today we have given the President what he asked for; and if he gets the same from the Senate, I think it is important as we leave to remind him of the weight of the power that we have given him, that is, to commit this country to war.

As I listened to the debate today, I thought of a story I read in the notes of the Bishops Retreat at Blackstone, Virginia, on October 1. The priest, Christopher Morris, tells this story. He told about a general who lived in his parish, and he said, ''Nearly half of my congregation was made up of military families; so any opposition to the war in Vietnam seemed to be attacking those who had to fight it. When a series of Sunday evening sessions addressing this issue were announced, some of the service people in the congregation protested. We had arranged for members of the American field service to come and make the case against the war and a representative from the Pentagon to come and give the government's case for the war. But some felt this was unpatriotic and undermining our troops who were being sent into combat.''

The general and his wife attended our church, she being more active than he. He was the comptroller of the Army stationed at nearby Fort Monroe. I called and asked if I could go and see him and was invited to their house late one evening. The three of us sat together in the living room. He was a general who was loyal to the defense of his country and its government's policy. Somewhat to my surprise, he said to me, ''Everyone knows there is a division of opinion in this country and the church should not avoid the issue. If you're going to present the sides fairly, I think you should go ahead.''

Two years later when I had left Hampton and been appointed to do graduate study at Union Seminary, a call came to New York asking me if I would come down to Arlington Cemetery for the burial of the general's 18-year-old son. On behalf of a grateful Nation, the chaplain said, presenting the flag to his wife. ''Don't speak to me of a grateful Nation,'' she replied. ''This is not a grateful Nation. It is a confused Nation. My son loved nature and liked to climb mountains, and now he is dead in a war he never believed in and neither did I.'' I have never seen more agony in a person's face than I saw in the face of the general.

I hope the President will understand that we are divided here. We were not all on one side. And those of us who voted against are as patriotic as those who voted for. The questions we raise are because we love our country, and I think that as we enter this period it is very important not to brand one side or the other as unpatriotic.

Mr. Speaker, I add to the RECORD an article entitled ''Am I anti-American?'' by Arundhati Roy in the Guardian, September 27, 2002. She lays out the case for why we have the strength and the ability to raise questions about our

democracy. It is important and it should not be considered un-American for anyone to raise these issues.

[From the Guardian, Sept. 27, 2002]

AM I ANTI-AMERICAN?

(By Arundhati Roy)

Recently, those who have criticized the actions of the US government myself included have been called ''anti-American''. Anti-Americanism is in the process of being consecrated into an ideology. The term is usually used by the American establishment to discredit and, not falsely—but shall we say inaccurately—define its critics. Once someone is branded anti-American, the chances are that he or she will be judged before they're heard and the argument will be lost in the welter of bruised national pride. What does the term mean? That you're anti-jazz?

Or that you're opposed to free speech? That you don't delight in Toni Morrison or John Updike?

That you have a quarrel with giant sequoias? Does it mean you don't admire the hundreds of thousands of American citizens who marched against nuclear weapons, or the thousands of war resisters who forced their government to withdraw from Vietnam? Does it mean that you hate all Americans?

This sly conflation of America's music, literature, the breathtaking physical beauty of the land, the ordinary pleasures of ordinary people with criticism of the US government's foreign policy is a deliberate and extremely effective strategy. It's like a retreating army taking cover in a heavily populated city, hoping that the prospect of hitting civilian targets will deter enemy fire.

There are many Americans who would be mortified to be associated with their government's policies. the most scholarly, scathing, incisive, hilarious critiques of the hypocrisy and the contradictions in US government policy come from American citizens. (Similarly, in India, not hundreds, but millions of us would be ashamed and offended, if we were in any way implicated with the present Indian government's fascist policies.)

To call someone anti-American, indeed, to be anti-American, is not just racist, it's a failure of the imagination. An inability to see the world in terms other than those that the establishment has set out for you: If you don't love us, you hate us. If you're not good, you're evil. If you're not with us, you're with the terrorists.

Last year, like many others, I too made the mistake of scoffing at this post-September 11 rhetoric, dismissing it as foolish and arrogant. I've realized that it's not. It's actually a canny recruitment drive for a misconceived, dangerous war. Every day I'm taken aback at how many people believe that opposing the war in Afghanistan amounts to supporting terrorism. Now that the initial aim of the war—capturing Osama bin Laden seems to have run into bad weather, the goalposts have been moved. It's being made out that the whole point of the war was to topple the Taliban regime and liberate Afghan women from their burqas. We're being asked to believe that the US marines are actually on a feminist mission. (If so, will their next stop be America's military ally, Saudi Arabia?) Think of it this way: in India there are some pretty reprehensible social practices, against ''untouchables'', against Christians and Muslims, against women. Should they be bombed?

Uppermost on everybody's mind, of course, particularly here in America, is the horror of what has come to be known as 9/11. Nearly 3,000 civilians lost their lives in that lethal terrorist strike. The grief is still deep. The rage still sharp. The tears have not dried. And a strange, deadly war is raging around the world. Yet, each person who has lost a loved one surely knows that no war, no act of revenge, will blunt the edges of their pain or bring their own loved ones back. War cannot avenge those who have died.

War is only a brutal desecration of their memory.

To fuel yet another war—this time against Iraq—by manipulating people's grief, by packaging it for TV specials sponsored by corporations selling detergent or running shoes, is to cheapen and devalue grief, to drain it of meaning. We are seeing a pillaging of even the most private human feelings for political purpose. It is a terrible, violent thing for a state to do to its people.

The US government says that Saddam Hussein is a war criminal, a cruel military despot who has committed genocide against his own people. That's a fairly accurate description of the man. In 1988, he razed hundreds of villages in northern Iraq and killed thousands of Kurds. Today, we know that that same year the US government provided him with $500m in subsidies to buy American farm products. The next year, after he had successfully completed his genocidal campaign, the US government doubled its subsidy to $1bn. It also provided him with high-quality germ seed for anthrax, as well as helicopters and dual-use material that could be used to manufacture chemical and biological weapons. It turns out that while Saddam was carrying out his worst atrocities, the US and UK governments were his close allies. So what changed?

In August 1990, Saddam invaded Kuwait. His sin was not so much that he had committed an act of war, but that he acted independently, without orders from his masters. This display of independence was enough to upset the power equation in the Gulf. so it was decided that Saddam be exterminated, like a pet that has outlived its owner's affection.

A decade of bombing has not managed to dislodge him. Now, almost 12 years on, Bush Jr is ratcheting up the rhetoric once again. He's proposing an all-out war whose goal is nothing short of a regime change. Andrew H Card Jr, the White House chief-of-staff, described how the administration was stepping up its war plans for autumn: ''From a marketing point of view,'' he said, ''you don't introduce new products in August.'' This time the catchphrase for Washington's ''new product'' is not the plight of people in Kuwait but the assertion that Iraq has weapons of mass destruction. Forget ''the feckless moralizing of the 'peace' lobbies,'' wrote Richard Perle, chairman of the Defense Policy Board. The US will ''act alone if necessary'' and use a ''pre-emptive strike'' if it determines it is in US interests.

Weapons inspectors have conflicting reports about the status of Iraq's weapons of mass destruction, and many have said clearly that its arsenal has been dismantled and that it does not have the capacity to build one. What if Iraq does have a nuclear weapon? does that justify a pre-emptive US strike? The US has the largest arsenal of nuclear weapons in the world. It's the only country in the world to have actually used them on civilian populations. If the US is justified in launching a pre-emptive attack on Iraq, why, any nuclear power is justified in carrying out a pre-emptive attack on any other. India could attack Pakistan, or the other way around.

Recently, the US played an important part in forcing India and Pakistan back from the brink of war. Is it so hard for it to take its own advice? Who is guilty of feckless moralizing? Of preaching peace while it wages war? The U.S., which Bush has called ''the most peaceful nation on earth'', has been at war with one country or another every year for the last 50 years.

Wars are never fought for altruistic reasons. They're usually fought for hegemony, for business. And then, of course, there's the business of war. In his book on globalization, The Lexus and the Olive Tree, Tom Friedman says: ''The hidden hand of the market will never work without a hidden fist. McDonald's cannot flourish without McDonnell Douglas. And the hidden fist that keeps the world safe for Silicon Valley's technologies to flourish is called the U.S. Army, Air Force, Navy and Marine Corps.'' Perhaps this was written in a moment of vulnerability, but it's certainly the most succinct, accurate description of the project of corporate globalization that I have read.

After September 11 and the war against terror, the hidden hand and fist have had their cover blown—and we have a clear view now of America's other weapon—the free market—bearing down on the developing world, with a clenched, unsmiling smile. The Task That Never Ends is America's perfect war, the perfect vehicle for the endless expansion of American imperialism.

In Urdu, the word for profit is fayda. Al-qaida means the word, the word of God, the law. So, in India, some of us call the War Against Terror, Al-qaida vs Al-fayda—The Word vs The Profit (no pun intended). For the moment it looks as though Al-fayda will carry the day. But then you never know . . .

In the past 10 years, the world's total income has increased by an average of 2.5% a year. And yet the numbers of the poor in the world has increased by 100 million. Of the top 100 biggest economies, 51 are corporations, not countries. The top 1% of the world has the same combined income as the bottom 57%, and the disparity is growing. Now, under the spreading canopy of the war against terror, this process is being hustled along. The men in suits are in an unseemly hurry. While bombs rain down contracts are being signed, patents registered, oil pipelines laid, natural resources plundered, water privatized and democracies undermined.

But as the disparity between the rich and poor grows, the hidden fist of the free market has its work cut out. Multinational corporations on the prowl for ''sweetheart deal'' that yield enormous profits cannot push them through in developing countries without the active connivance of state machinery—the police, the courts, sometimes even the army. Today, corporate globalization needs an international confederation of loyal, corrupt, preferably authoritarian governments in poorer countries, to push through unpopular reforms and quell the mutinies. It needs a press that pretends to be free. It needs courts that pretend to dispense justice. It needs nuclear bombs, standing armies, sterner immigration laws, and watchful coastal patrols to make sure that its only money, goods, patents and services that are globalized—not the free movement of people, not a respect for human rights, not international treaties on racial discrimination or chemical and nuclear weapons, or greenhouse gas emissions, climate change, or, God forbid, justice. It's as though even a gesture towards international accountability would wreck the whole enterprise.

Close to one year after the war against terror was officially flagged off in the ruins of Afghanistan, in country after country freedoms are being curtailed in the name of protecting freedom, civil liberties are being suspended in the name of protecting democracy. All kinds of dissent is being defined as ''terrorism''. Donald Rumsfeld said that his mission in the war against terror was to persuade the world that Americans must be allowed to continue their way of life. When the

maddened king stamps his foot, slaves tremble in their quarters. So, it's hard for me to say this, but the American way of life is simply not sustainable. Because it doesn't acknowledge that there is a world beyond America.

Fortunately, power has a shelf life. When the time comes, maybe this mighty empire will, like others before it, overreach itself and implode from within. It looks as though structural cracks have already appeared. As the war against terror casts its net wider and wider, America's corporate heart is hemorrhaging. A world run by a handful of greedy bankers and CEOs whom nobody elected can't possibly last.

Soviet-style communism failed, not because it was intrinsically evil but because it was flawed. It allowed too few people to usurp too much power: 21st-century market-capitalism, American-style, will fail for the same reasons.

[From The New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

WASHINGTON.—A sudden appetite for war with Iraq seems to have consumed the Bush administration and Congress. The debate that began in the Senate last week is centered not on the fundamental and monumental questions of whether and why the United States should go to war with Iraq, but rather on the mechanics of how best to wordsmith the president's use-of-force resolution in order to give him virtually unchecked authority to commit the nation's military to an unprovoked attack on a sovereign nation.

How have we gotten to this low point in the history of Congress? Are we too feeble to resist the demands of a president who is determined to bend the collective will of Congress to his will—a president who is changing the conventional understanding of the term ''self-defense''? And why are we allowing the executive to rush our decision-making right before an election? Congress, under pressure from the executive branch, should not hand away its Constitutional powers. We should not hamstring future Congresses by casting such a shortsighted vote. We owe our country a due deliberation.

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stamped to provide such authority to this president just weeks before an election.

Why are we being hounded into action on a resolution that turns over to President Bush the Congress's Constitutional power to declare war? This resolution would authorize the president to use military forces of this nation wherever, whenever and however he determines, and for as long as he determines, if he can somehow make a connection to Iraq. It is a blank check for the president to take whatever action he feels ''is necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq.'' This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and pre-emptive strikes—detailed in a recent publication, ''National Security Strategy of the United States''—against any nation that the president, and the president alone, determines to be a threat.

We are at the gravest of moments. Members of Congress must not simply walk away from their Constitutional responsibilities. We are the directly elected representatives of the American people, and the American people expect us to carry out our duty, not simply hand it off to this or any other president. To do so would be to fail the people we represent and to fall woefully short of our sworn oath to support and defend the Constitution.

We may not always be able to avoid war, particularly if it is thrust upon us, but Congress must not attempt to give away the authority to determine when war is to be declared. We must not allow any president to unleash the dogs of war at his own discretion and for an unlimited period of time.

Yet that is what we are being asked to do. The judgment of history will not be kind to us if we take this step.

Members of Congress should take time out and go home to listen to their constituents. We must not yield to this absurd pressure to act now, 27 days before an election that will determine the entire membership of the House of Representatives and that of a third of the Senate. Congress should take the time to hear from the American people, to answer their remaining questions and to put the frenzy of ballot-box politics behind us before we vote. We should hear them well, because while it is Congress that casts the vote, it is the American people who will pay for a war with the lives of their sons and daughters.

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

(Mr. HOSTETTLER 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 gentlewoman 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 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 California (Mr. FILNER) is recognized for 5 minutes.

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

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

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

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations to the Committee on Appropriations established by H. Con. Res. 353, the Concurrent Resolution on the Budget for fiscal year 2003. My authority to make these adjustments is derived from sections 201, 204 and 231(c) of the budget resolution.

As reported to the House, H.R. 5559, the Department of Transportation and Related Agencies Appropriations Bill for fiscal year 2003, establishes an obligation limitation for programs, projects, and activities within the highway category (as defined by section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985). Section 204 of H. Con. Res. 353 provides for an increase in the outlay allocation to the Committee on Appropriations if: (1) the funds are distributed according to the formula contained in section 1102 of the Transportation Equity Act for the 21st Century, (2) the obligation limitation established by the legislation for such programs exceeds $23,864,000,000, and (3) the accompanying increase in outlays does not exceed $1,180,000,000.

I have reviewed the provisions of H.R. 5559, and have determined that those conditions have been met. Accordingly, I am increasing the fiscal year 2003 outlay allocation to the House Committee on Appropriations by $1,180,000,000.

In addition, the conference report on H.R. 5010, the bill making appropriations for the Department of Defense for fiscal year 2003, provides new budget authority for operations of the Department of Defense to prosecute the war on terrorism. Section 201 of H. Con. Res. 353 provides for an increase in the allocations and other levels in the budget resolution for amounts provided for this purpose, subject to an overall limitation of $10,000,000,000 in new budget authority and outlays flowing therefrom.

The conference report on the Defense appropriations bill provides additional funds to prosecute the war on terrorism. Accordingly, I am increasing the fiscal year 2003 budget authority allocation to the House Committee on Appropriations by $1,000,000,000, and the outlay allocation by $743,000,000, which I estimate to be the outlays flowing from those appropriations.

The resulting 302(a) allocation for fiscal year 2003 to the House Committee on Appropriations is $749,096,000,000 in new budget authority and $785,191,000,000, in outlays.

CONGRATULATING INDIA ON SUCCESSFUL DEMOCRATIC ELECTIONS IN JAMMU AND KASHMIR

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

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity on the House floor to congratulate India and its election commission on the successful conclusion of free, fair, and transparent elections in Jammu and Kashmir for an 87-member state assembly.

The challenges experienced by candidates, political workers, and voters were extreme in this election. Targeted violence by terrorists was used as a

tool for the specific purpose of foiling these elections and impeding this exercise in democracy.

The people of Jammu and Kashmir were very brave to literally risk their lives in order to participate in these elections. In fact, the outcome of these elections was such a success that during the fourth phase of polling an estimated 52 percent of the nearly 450,000 electorate exercised their right to vote in six constituencies of the Doda district alone.

The example of these elections further reiterates India's dedication to democracy since it gained independence over 50 years ago. It is no wonder that the United States and India, the world's two largest democracies, are partners in the ongoing effort to build a more democratic world.

Mr. Speaker, unfortunately the same cannot be said about Pakistan. Not only has militant infiltration across the Kashmir border increased over the past 2 months, but in addition there is much concern that the legislative elections currently being held in Pakistan are a sham. President Musharraf has single-handedly emasculated the leadership of major political parties that oppose him, and he has altered the constitution to such an extreme degree that it is clear that the outcome of the election will favor a party of politicians or the ''King's Party'' who are directly under his control. And this is deliberate and I think absolutely undemocratic.

Mr. Speaker, the point I am trying to make is that we have two neighboring countries but that their electoral process and government structure could not be more different. As Indian citizens of Jammu and Kashmir faced potential death by heading to the polls over the last 4 weeks, these citizens courageously cast their votes, and I believe this democratic will and exercise on the part of the Indian Government and its people must be appropriately commended. And again, Mr. Speaker, that is why I felt it was necessary for me to speak on this important issue this late in the evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of medical reasons.

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 Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

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

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

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

Mr. HOSTETTLER, for 5 minutes, today and October 11.

Mr. NUSSLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HORN and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $650.00.

ENROLLED BILLS SIGNED

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

H.R. 2121. An act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

H.R. 4085. An act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of the certain disabled veterans.

H.R. 5531. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 11, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9612. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's certification that the costs of Wedges 2 through 5, of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

9613. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General John N. Abrams, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9614. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule — Debt Cancellation Contracts and Debt Suspension Agreements [Docket No. 02-14] (RIN: 1557-AB75) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9615. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Galveston, Texas) [MB Docket No. 02-142; RM-10436] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9616. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Digital Television Broadcast Stations; and Section 73.622(b) Table of Allotments, Digital Broadcasting Television Stations (Hammond, Louisiana) [MB Docket No. 02-131; RM-10440] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9617. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Reliance, South Dakota) [MB Docket No. 02-101; RM-10429] received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9618. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Florence, South Dakota) [MB Docket No. 02-102; RM-10430] received October 8, 2002; to the Committee on Energy and Commerce.

9619. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada, Denmark, Italy, Norway, The Netherlands, Turkey, and the United Kingdom [Transmittal No. DTC 277-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9620. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9621. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

9622. A letter from the Chairman, Commission on Ocean Policy, transmitting a report entitled, ''Developing a National Ocean Policy: Mid-Term Report of the U.S. Commission on Ocean Policy''; to the Committee on Resources.

9623. A letter from the Deputy Assistant Secretary for Insular Affairs, Department of the Interior, transmitting the Department's report entitled, ''Annual Report on Financial and Social Impacts of the Compacts of Free Association on the United States Insular Areas and the State of Hawaii''; to the Committee on Resources.

9624. A letter from the General Counsel, Department of Commerce, transmitting the

Department's draft bill entitled, ''The Hydrographic Services Amendments Act of 2002''; to the Committee on Resources.

9625. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific sardine [Docket No. 020920218-2218-01; 091902C] (RIN: 0648-AQ47) received October 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9626. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Termination of Appeals Settlement Initiative For Corporate Owned Life Insurance (COLI) Cases (Announcement 2002-96) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9627. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement of Section 351 Contingent Liability Tax Shelter Cases (Revenue Procedure 2002-67) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9628. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2002-68) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9629. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Imposition of Tax; in general (Rev. Rul. 2002-60) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election Under 1397B (Rev. Proc. 2002-62) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9631. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions of Participation: Immunization Standards for Hospitals, Long-Term Care Facilities, and Home Health Agencies [CMS-3160-FC] (RIN: 0938-AM00) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9632. A letter from the Secretary, Department of Labor, transmitting the Department's bill entitled, ''Employment Security Reform Act of 2002''; jointly to the Committees on Ways and Means, Education and the Workforce, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Revised Suballocation of Budget Allocations for Fiscal Year 2003 (Rept. 107–738). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on rules. House Resolution 580. Resolution providing for consideration of the joint resolution (House Joint Resolution 122) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 107–739). Referred to the House Calendar.

Mr. WALSH: Committee on Appropriations. H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–740). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BRADY of Texas (for himself, Mr. DOGGETT, Mr. VITTER, Mr. POMEROY, Mr. SHAYS, and Mr. MEEHAN):

H.R. 5596. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. JONES of North Carolina):

H.R. 5597. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. CASTLE (for himself and Mr. BOEHNER):

H.R. 5598. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce. considered and passed.

By Mr. THUNE (for himself and Mr. CARSON of Oklahoma):

H.R. 5599. A bill to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEPHARDT (for himself, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. BERMAN, Mr. BECERRA, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. RANGEL, Mr. GREEN of Texas, Mr. CONYERS, Ms. VELAZQUEZ, Mr. PASTOR, Mr. DOOLEY of California, Mr. GONZALEZ, Mr. HINOJOSA, Mr. SERRANO, Mr. OWENS, Mr. TOWNS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. MENENDEZ, Ms. DELAURO, Mr. BACA, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. FARR of California, Mr. HONDA, Mr. FRANK, and Mr. FROST):

H.R. 5600. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. DELAY, and Mr. GREENWOOD):

H.R. 5601. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for purposes; to the Committee on Education and the Workforce. considered and passed.

By Mr. TERRY (for himself, Mr. LUTHER, Mr. SHIMKUS, and Mr. JENKINS):

H.R. 5602. A bill to create a Rural Issues Advisory Board within the Federal Communications Commission, to assist the Federal Communications Commission in developing policies and procedures, and to ensure that the Commission takes into account the size and resources of affected parties in rural America; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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.

By Mr. THUNE (for himself, Mr. RAMSTAD, and Mrs. JOHNSON of Connecticut):

H.R. 5603. A bill to amend the Internal Revenue Code of 1986 to suspend the tax-exempt status of designated terrorist organizations, and for other purposes; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. KERNS, Mr. BUYER, Mr. VISCLOSKY, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. ROEMER, Mr. HILL, Mr. PENCE, and Mr. SOUDER):

H.R. 5604. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. WALSH:

H.R. 5605. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. BACA (for himself, Ms. WATERS, Mr. TOWNS, and Mr. DAVIS of Illinois):

H.R. 5606. A bill to amend the Public Health Service Act to promote careers in nursing and diversity in the nursing workforce; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 5607. A bill to amend the Controlled Substances Act to place Salvinorin A in Schedule I; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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.

By Ms. BALDWIN (for herself and Mr. GREEN of Wisconsin):

H.R. 5608. A bill to provide for the testing of chronic wasting disease and other infectious disease in deer and elk herds, to establish the Interagency Task Force on Epizootic Hemorrhagic Disease, and for other purposes; to the Committee on Agriculture, and 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.

By Mr. BARR of Georgia:

H.R. 5609. A bill to designate the facility of the United States Postal Service located at 600 East 1st Street in Rome, Georgia, as the ''Martha Berry Post Office''; to the Committee on Government Reform.

By Ms. BERKLEY:

H.R. 5610. A bill to authorize the Secretary of Veterans Affairs to construct a comprehensive veterans medical center in southern Nevada that would include a full service hospital, an outpatient clinic, and a long-

term care nursing home facility; to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself, Mr. PUTNAM, Mr. SMITH of Washington, Mr. MOLLOHAN, Mr. BOYD, Mr. ACEVEDO-VILA, Mrs. NORTHUP, Mr. GORDON, Mr. GILMAN, Ms. MCCOLLUM, Mr. LIPINSKI, Mr. PASCRELL, Mr. SHUSTER, Mr. TAUZIN, Mr. BARR of Georgia, Mr. CARSON of Oklahoma, Mr. MCKEON, Mr. CRAMER, Mr. DOOLEY of California, Mr. FATTAH, Mr. NORWOOD, Mr. PICKERING, Mr. SHAYS, Mrs. MORELLA, Ms. BROWN of Florida, Mr. KILDEE, Mr. BURTON of Indiana, Mr. DAN MILLER of Florida, Mr. ISSA, Mr. CAMP, Mr. DREIER, Mr. HOBSON, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. ARMEY, Mr. HASTINGS of Washington, Mr. SHERWOOD, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. CUNNINGHAM, Mr. BRYANT, Mr. PASTOR, Mr. MARKEY, Mr. SCHROCK, Mr. FLETCHER, Mr. LOBIONDO, Mr. PALLONE, Mr. UPTON, Mr. CONDIT, Mr. GREEN of Texas, Mr. TAYLOR of Mississippi, Mr. GEKAS, Mr. GEORGE MILLER of California, Mr. NETHERCUTT, Mr. RADANOVICH, Mr. GUTKNECHT, Mr. GANSKE, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BERMAN, Mr. COBLE, Mr. SKELTON, Mr. FORBES, Mr. KINGSTON, Mr. OBERSTAR, Mr. WALSH, Mr. INSLEE, Mr. JEFF MILLER of Florida, Mr. NADLER, Mr. BARCIA, Mr. CLYBURN, Mr. DAVIS of Florida, Mr. DEMINT, Mr. GIBBONS, Mr. GREENWOOD, Mr. MALONEY of Connecticut, Mr. MATHESON, Mr. MCCRERY, Mr. MORAN of Virginia, Mr. RAMSTAD, Mr. SAXTON, Mrs. JO ANN DAVIS of Virginia, Mr. BACA, Mr. CROWLEY, Mr. KNOLLENBERG, Mr. WILSON of South Carolina, Mr. BOEHNER, Mr. BOOZMAN, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. LINDER, Mr. MURTHA, Mr. SHADEGG, Mr. SPRATT, Mr. SULLIVAN, Mr. TIERNEY, Mr. ISAKSON, Mr. HOEFFEL, Mr. PITTS, Ms. MCCARTHY of Missouri, Mr. CALVERT, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. TERRY, Ms. ROYBAL-ALLARD, Mr. THORNBERRY, Mr. GREEN of Wisconsin, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. UDALL of Colorado, Mr. FROST, Mr. SABO, Ms. KAPTUR, Mr. HINCHEY, Mr. CAPUANO, Mr. DOYLE, Mr. MCINTYRE, Mr. ROGERS of Michigan, Mr. DEAL of Georgia, Mr. ABERCROMBIE, Mr. LAMPSON, Mr. RAHALL, Mr. SMITH of Michigan, Mr. DICKS, Mr. TIBERI, Mr. TOOMEY, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. DEFAZIO, Mr. HOEKSTRA, Mr. KING, Mr. CRANE, Mr. ENGLISH, Mr. REGULA, Mr. LAHOOD, Mr. KELLER, Mr. BURR of North Carolina, Mr. PORTMAN, Mr. SIMMONS, Mr. ADERHOLT, Mr. ANDREWS, Mr. MATSUI, Mr. MENENDEZ, Mr. FRELINGHUYSEN, Mr. WICKER, Mr. KIND, Mr. LEWIS of Kentucky, Mr. HOLT, Mr. FARR of California, Mr. CHAMBLISS, Mrs. CAPITO, Mr. BROWN of Ohio, Mr. BOEHLERT, Mr. REYES, Mr. CHABOT, Mr. ISRAEL, Mrs. MYRICK, Mr. EVERETT, Mr. BARRETT, Mr. DELAY, Mr. LANTOS, Mr. LATHAM, Mr. OSBORNE, Mr. PETRI, Mr. UDALL of New Mexico, Mr. SNYDER, Mr. GOODE, Mr. JENKINS, Mr. HERGER, Mr. JONES of North Carolina, Mr. GILCHREST, Mr. WATKINS, and Mr. COYNE):

H.R. 5611. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. CHAMBLISS (for himself, Mr. NORWOOD, Mr. PICKERING, Mr. CUNNINGHAM, Mr. HAYES, Mr. BISHOP, and Mr. PETERSON of Minnesota):

H.R. 5612. A bill to recognize hunting heritage and provide opportunities for continued hunting on Federal public lands; to the Committee on Resources.

By Ms. DELAURO:

H.R. 5613. A bill to establish a demonstration project to implement evidence-based preventive-screening methods to detect mental illness and suicidal tendencies in school-age youth at selected facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. BROWN of Ohio, Mr. GORDON, Mr. RUSH, Mr. HONDA, Ms. NORTON, Mr. INSLEE, Ms. DELAURO, and Ms. KILPATRICK):

H.R. 5614. A bill to prohibit fraudulent, manipulative, or deceptive acts in electric and natural gas markets, to provide for audit trails and transparency in those markets, to increase penalties for illegal acts under the Federal Power Act and Natural Gas Act, to reexamine certain exemptions under the Federal Power Act and the Public Utility Holding Company Act of 1935, to expand the authority of the Federal Energy Regulatory Commission to order refunds of unjust and discriminatory rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):

H.R. 5615. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself, Mrs. EMERSON, Mr. TOWNS, Mr. PAUL, Mr. SNYDER, Mr. NETHERCUTT, Mr. MCGOVERN, Mr. FLAKE, Mr. DELAHUNT, Mr. SHAYS, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. BERMAN, Mr. LAMPSON, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. BERRY, Mr. DEFAZIO, Mr. RANGEL, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. STENHOLM, and Mr. JOHNSON of Illinois):

H.R. 5616. A bill to provide for the expiration of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, known as the Helms-Burton Act, on March 31, 2003; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, 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.

By Mr. GIBBONS:

H.R. 5617. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of the silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, and 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.

By Ms. HART:

H.R. 5618. A bill to amend the Immigration and Nationality Act to improve procedures for the processing of visas for ''O'' and ''P'' nonimmigrant artists; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 5619. A bill to require the Secretary of the Treasury to take certain actions with respect to the prevention of illegal transshipments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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.

By Mr. KILDEE:

H.R. 5620. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on Resources.

By Mr. LAFALCE:

H.R. 5621. A bill to amend the Federal Credit Union Act to expand membership, service, and investment opportunities for credit unions, to expand credit union services within financially underserved communities, to enhance member protections in certain credit union conversions, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. HOUGHTON, Mr. POMEROY, and Mrs. THURMAN):

H.R. 5622. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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.

By Mr. LUTHER:

H.R. 5623. A bill to provide for prioritization of transportation of nuclear waste from utilities to a permanent repository on the basis of renewable energy use; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. SERRANO, Mr. CROWLEY, Mr. ENGEL, and Mr. TOWNS):

H.R. 5624. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 5625. A bill to restore aiding and abetting liability under the Federal securities laws; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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.

By Mr. NEAL of Massachusetts:

H.R. 5626. A bill to amend the Internal Revenue Code of 1986 to revise the tax treatment of derivative transactions entered into by a corporation with respect to its stock; to the Committee on Ways and Means.

By Mr. OBEY (for himself and Mr. SANDERS):

H.R. 5627. A bill to establish a counter-cyclical income support program for dairy producers; to the Committee on Agriculture.

By Mr. OTTER:

H.R. 5628. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for

National Forest System purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 5629. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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.

By Mr. POMBO:

H.R. 5630. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. TANCREDO, Mr. DAVIS of Illinois, and Mr. SHAYS):

H.R. 5631. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of personal wireless services facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. TANCREDO, and Mr. DAVIS of Illinois):

H.R. 5632. A bill to amend the Communications Act of 1934 to clarify and reaffirm State and local authority to regulate the placement, construction, and modification of broadcast transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mrs. THURMAN, Mr. SMITH of New Jersey, Mr. CUMMINGS, Mr. BLAGOJEVICH, and Mr. HOBSON):

H.R. 5633. A bill to ensure that children at highest risk for asthma are identified and treated; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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.

By Mr. SMITH of Texas:

H.R. 5634. A bill to amend title 28, United States Code, to provide prejudgment interest on certain judgments against the United States; to the Committee on the Judiciary.

By Mr. STRICKLAND (for himself, Mr. DEUTSCH, and Ms. SLAUGHTER):

H.R. 5635. A bill to prohibit the Federal Government from entering into contracts with companies that do not include certifications for certain financial reports required under the Securities Exchange Act of 1934; to the Committee on Government Reform, and in addition to the Committee on Financial Services, 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.

By Mr. TANCREDO:

H.R. 5636. A bill to establish a student loan forgiveness program for nurses; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself and Ms. SOLIS):

H.R. 5637. A bill to require Federal agencies to develop and implement policies and practices that promote environmental justice, and for other purposes; to the Committee on Energy and Commerce, and 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.

By Mr. UPTON (for himself and Mr. TAUZIN):

H.R. 5638. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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.

By Mr. WATKINS:

H.R. 5639. A bill to clarify the rights of United States citizenship and eligibility for Federal benefits for all enrolled members of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, 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.

By Mr. WELDON of Florida (for himself and Mr. HALL of Texas):

H.R. 5640. A bill to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged; to the Committee on Government Reform.

By Mr. WILSON of South Carolina:

H.R. 5641. A bill to amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 121. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 122. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget; Committees on Appropriations and the Budget dischared; considered and passed.

By Mr. NEY:

H. Con. Res. 508. Concurrent resolution resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295; considered and agreed to.

By Mr. MARKEY (for himself and Mr. PETERSON of Pennsylvania):

H. Con. Res. 509. Concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma:

H. Con. Res. 510. Concurrent resolution commending the Minority Business Development Agency for its history of achievement in helping to create minority businesses enterprises and in helping those enterprises effectively compete in the national and global marketplace; to the Committee on Financial Services, and in addition to the Committee on Small Business, 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.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. WATT of North Carolina, Ms. WATSON, Mr. WYNN, Mrs. MALONEY of New York, Mr. HONDA, Ms. KAPTUR, Mr. KILDEE, and Mr. CARSON of Oklahoma):

H. Res. 581. A resolution recognizing the importance and accomplishments of the Thurgood Marshall Scholarship Fund; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself and Mrs. BIGGERT):

H. Res. 582. A resolution recognizing and supporting the goals and ideals of ''National Runaway Prevention Month''; to the Committee on Government Reform.

By Mr. ISRAEL (for himself, Mr. LANTOS, and Mr. CANTOR):

H. Res. 583. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims of the Holocaust; to the Committee on Government Reform.

By Mrs. WILSON of New Mexico:

H. Res. 584. A resolution supporting the goals and ideas of a National Sexual Assault Awareness Month; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. KANJORSKI.
H.R. 488: Mr. FALEOMAVAEGA.
H.R. 536: Mr. KIND and Mr. TOWNS.
H.R. 547: Mr. GUTIERREZ.
H.R. 632: Mr. CONDIT, Mr. GALLEGLY, Mr. COYNE, Mr. MASCARA, and Mr. FOLEY.
H.R. 826: Mr. SKEEN, Ms. BERKLEY, and Mr. HOSTETTLER.
H.R. 912: Mr. GORDON.
H.R. 951: Mr. STEARNS.
H.R. 1086: Mr. WOOLSEY.
H.R. 1193: Mr. ENGEL and Mr. MALONEY of Connecticut.
H.R. 1255: Mr. WOOLSEY.
H.R. 1256: Mr. SMITH of New Jersey, Mr. DOGGETT, Ms. MILLENDER-MCDONALD, Mr. MCHUGH, and Mr. GREENWOOD.
H.R. 1331: Mr. KENNEDY of Minnesota.
H.R. 1362: Mr. DICKS.
H.R. 1520: Mr. KIND.
H.R. 1598: Mr. HOYER.
H.R. 1624: Mr. TOM DAVIS of Virginia.
H.R. 1904: Mr. SCHIFF.
H.R. 1918: Mr. WAXMAN and Ms. BERKLEY.
H.R. 2005: Ms. WOOLSEY.
H.R. 2053: Mr. GUTIERREZ.
H.R. 2570: Ms. WATERS.
H.R. 2638: Mr. CHAMBLISS.
H.R. 2699: Mr. CAPUANO.
H.R. 2735: Mr. TOOMEY and Mr. WILSON of South Carolina.
H.R. 2874: Mr. GRUCCI.
H.R. 3132: Mr. KILDEE, Mr. LARSEN of Washington, Mr. EHLERS, Mr. ANDREWS, Mr. CONYERS, Mr. BARCIA, Mr. GRUCCI, Mr. TAYLOR of Mississippi, Mr. GONZALEZ, Mr. PALLONE, Mr. ORTIZ, and Mr. KIRK.
H.R. 3320: Mr. ANDREWS.
H.R. 3413: Mr. GUTIERREZ.
H.R. 3464: Ms. DELAURO.
H.R. 3545: Mr. MCDERMOTT, Ms. DELAURO, Mr. DOOLEY of California, Mr. SHOWS, and Mr. PRICE of North Carolina.

H.R. 3659: Mrs. JO ANN DAVIS of Virginia, Mrs. CAPPS, Mr. EHLERS, Ms. VELAZQUEZ, Mr. POMEROY, Mr. PASCRELL, Mr. ENGEL, Mr. PICKERING, and Mr. CRAMER.

H.R. 3688: Ms. MILLENDER-MCDONALD.

H.R. 3884: Mr. GORDON.

H.R. 3961: Mr. BROWN of Ohio.

H.R. 4000: Ms. MCCOLLUM.

H.R. 4483: Mr. TOOMEY.

H.R. 4643: Mr. GUTIERREZ.

H.R. 4667: Mr. GRUCCI and Mr. PHELPS.

H.R. 4668: Mrs. LOWEY.

H.R. 4774: Mr. FRANK and Mr. BLAGOJEVICH.

H.R. 4780: Mr. STUPAK, Mr. ISRAEL, Mr. SERRANO, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. HOYER, Mr. BOUCHER, Mr WYNN, and Mr. FARR of California.

H.R. 4843: Mr. ANDREWS, Ms. RIVERS, and Mr. KINGSTON.

H.R. 4943: Mr. MALONEY of Connecticut.

H.R. 4957: Mr. BLUMENAUER.

H.R. 5013: Mr. ROHRABACHER, Mr. WAMP, and Mr. SCHAFFER.

H.R. 5061: Ms. MILLENDER-MCDONALD.

H.R. 5076: Mr. GUTIERREZ.

H.R. 5085: Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. JEFF MILLER of Florida, Mr. STUPAK, and Mrs. CAPPS.

H.R. 5194: Mrs. DAVIS of California, Mrs. JONES of Ohio, Mrs. LOWEY, Ms. ESHOO, Mr. WAXMAN, and Mr. ENGEL.

H.R. 5230: Mr. INSLEE and Mr. BLUMENAUER.

H.R. 5235: Mr. BOEHNER.

H.R. 5250: Mr. GOSS, Mr. LUTHER, MR. HONDA, Mr. HAYES, Mr. JENKINS, Mr. SULLIVAN, Mr. PASTOR, and Mr. REYES.

H.R. 5256: Mr. SANCHEZ, Mr. DOOLEY of California, Ms. PELOSI, Mr. SHERMAN, Mr. WAXMAN, Mr. BACA, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, and Mr. GEORGE MILLER of California.

H.R. 5270: Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. FROST, Mr. TIERNEY, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. SHIMKUS, Ms. MCNULTY, Mr. MATHESON, and Mrs. LOWEY.

H.R. 5302: Mr. DOOLEY of California.

H.R. 5311: Mr. SMITH of Michigan.

H.R. 5319: Mr. THOMAS and Mr. TAYLOR of North Carolina.

H.R. 5334 Mr. GRUCCI, Mr. BLAGOJEVICH, and Mrs. MALONEY of New York.

H.R. 5383: Mr. KANJORSKI, Mr. FILNER, Mr. GILMAN, Mr. BROWN of Ohio, and Mr. BALDACCI.

H.R. 5389: Mr. PALLONE and Ms. MILLENDER-MCDONALD

H.R. 5398: Mr. MCINNIS.

H.R. 5411: Mr. GOODE, Mr. COYNE, Mr. PHELPS, Ms. WOOLSEY, Mr. GORDON, Ms. HOOLEY of Oregon, Ms. KILPATRICK, and Mr. REYES.

H.R. 5414: Ms. PRYCE of Ohio and Mr. English.

H.R. 5416: Mr. SOUDER.

H.R. 5462: Mr. HINOJOSA, Mr. INSLEE, Mr. HONDA, Mr. WILSON of South Carolina, Mr. HALL of Texas, and Mr. TIAHRT.

H.R. 5479: Ms. LOFGREN.

H.R. 5492: Mr. RANGEL, Ms. LEE, and Mr. TOWNS.

H.R. 5493: Mr. OWENS.

H.R. 5499: Ms. BERKLEY.

H.R. 5508: Mr. WAMP and Mr. KENNEDY of Rhode Island.

H.R. 5528: Mr. HOBSON, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. SHAW, Mr. MCNULTY, Mr. TOWNS, Mr. CROWLEY, Mr. GILLMOR, Mr. KILDEE, Mr. FARR of California, Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. BILIRAKIS, Mr. ABERCROMBIE, Mr. EHLERS, Mr. BLUNT, Mr. UPTON, Mr. ISRAEL, Mr. QUINN, Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TAUZIN, Mr. MATSUI, Mr. ISAKSON, Mr. NEY, Mr. SWEENEY, Mr. SKEEN, Mr. CRANE, Mr. GIBBONS, Mr. PUTNAM, Mr. STEARNS, Mr. SCHROCK, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Mr. MCCRERY.

H.R. 5533: Mr. RANGEL.

H.R. 5541: Mr. DAVIS of Illinois, Mr. STARK, Ms. WOOLSEY, and Mr. RODRIGUEZ.

H.R. 5554: Mr. WALSH, Mr. POMBO, and Mr OTTER.

H.R. 5575: Mr. SIMMONS, Mr. PITTS, and Mr. RILEY.

H.R. 5586: Mr. KANJORSKI and Mr. MURTHA.

H.R. 5587: Mr. HOUGHTON, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, Mr. CAMP, Mr. GEKAS, and Mrs. CAPITO.

H.J. Res. 31: Ms. VELAZQUEZ, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, and Ms. BROWN of Florida.

H.J. Res. 40: Mr. ROEMER.

H. Con. Res. 351: Mr. GILMAN and Mr. STUPAK.

H. Con. Res. 404: Mr. GUTIERREZ.

H. Con. Res. 406: Mr. HONDA.

H. Con. Res. 445: Mr. GRAVES, Mr. BILIRAKIS, Mr. OXLEY, Mr. CRANE, Mr. BAKER, and Ms. DUNN.

H. Con. Res. 447: Mr. PENCE, Mr. BROWN of Ohio, Mrs. ROUKEMA, Ms. VELAZQUEZ, Mr. KIRK, and Mr. SCHIFF.

H. Con. Res. 466: Mr. CARSON of Oklahoma.

H. Con. Res. 473: Ms. NORTON.

H. Con. Res. 486: Mr. HOEKSTRA and Mr. WAMP.

H. Con. Res. 502: Mr. ROSS, Mr. HINOJOSA, Mr. WALSH, Mr. TIAHRT, Mr. CLEMENT, and Ms. WOOLSEY.

H. Con. Res. 505: Mr. WAXMAN.

H. Con. Res. 560: Mr. EHLERS and Mr. KNOLLENBERG.

H. Con. Res. 571: Mr. TOWNS.