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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.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:15 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, all power and authority belong to You. You hold universes in Your hands and focus Your attention on the planet Earth. We humble ourselves before You. You alone are Lord of all nations and have called our Nation to be a leader in the family of nations. By Your providence You have brought to this Senate the men and women through whom You can rule wisely in the soul-sized matters that affect the destiny of humankind. With awe and wonder at Your trust in them, the Senators soon will vote on the resolution on Iraq as part of our Nation's ongoing battle against terrorism.

Grip their minds with three assurances to sustain them: You are Sovereign of this land and they are accountable to You; You are able to guide their thinking, speaking, and decisions if they will but ask You; and You will bring them to unity so that they may lead our Nation in its strategic role against terrorism and assist the free nations of the world in their shared obligation.

O God, hear our prayer. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, debate will commence shortly on the Byrd amendment, with a vote expected in 20 minutes. Following that, there will be debate with respect to the motion to invoke cloture on the Lieberman substitute amendment for the Iraq resolution. The two leaders will control the last 30 minutes prior to the cloture vote. Following that vote, debate will occur on another Byrd amendment, with 60 minutes of debate, and then a vote will occur.

Following the vote on the second Byrd amendment, Senator LEVIN's amendment will be debated for a period of 95 minutes, to be followed by a vote. After disposition of the Levin amendment, the Durbin amendment will be considered for 40 minutes, and then there will be a vote.

Therefore, Senators should be alerted that votes will be occurring throughout the day, and the votes will end within the specified time of rollcall votes. The point is, we are going to try to stick closely to the time.

Other amendments are expected to be debated and voted on today in order to complete action on this legislation, which the leader wants to complete tonight.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner modified amendment No. 4856, in the nature of a substitute;

Byrd amendment No. 4868 (to amendment No. 4856, as modified), to provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President not directly related to the existing threat posed by Iraq;

Levin amendment No. 4862 (to amendment No. 4856), in the nature of a substitute.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 4869, AS MODIFIED

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the amendment of the Senator from West Virginia.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4869, as modified.

The amendment, as modified, is as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(Purpose: To provide a termination date for the authorization of the use of the Armed Forces of the United States, together with procedures for the extension of such date unless Congress disapproves the extension)

At the appropriate place, insert the following:

SEC. 5. TERMINATION OF THE AUTHORIZATION FOR THE USE OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—The authorization in section 4(a) shall terminate 12 months after the date of enactment of this joint resolution, except that the President may extend, for a period or periods of 12 months each, such authorization if—

(1) the President determines and certifies to Congress for each such period, not later that 60 days before the date of termination of the authorization, that the extension is necessary for ongoing or impending military operations against Iraq under section 4(a); and

(2) the Congress does not enact into law, before the extension of the authorization, a joint resolution disapproving the extension of the authorization for the additional 12-month period.

(b) CONGRESSIONAL REVIEW PROCEDURES.—

(1) IN GENERAL.—For purposes of subsection (a)(2), a joint resolution described in paragraph (2) shall be considered in the Senate and the House of Representatives in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936–1937), except that—

(A) references in those provisions to the Committee on Appropriations of the House of Representatives shall be deemed to be references to the Committee on International Relations of the House of Representatives; and

(B) references in those provisions to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate.

(2) JOINT RESOLUTION DEFINED.—For purposes of paragraph (1), the term ''joint resolution'' means only a joint resolution introduced after the date on which the certification of the President under subsection (a)(1) is received by Congress, the matter after the resolving clause of which is as follows: ''That, pursuant to section 5 of the Authorization for the Use of Military Force Against Iraq, the Congress disapproves the extension of the authorization under section 4(a) of that joint resolution for the additional 12-month period specified in the certification of the President to the Congress dated ____.'', with the blank filled in with the appropriate date.

Mr. MCCAIN. And the time is running; is that correct?

The ACTING PRESIDENT pro tempore. There are 20 minutes overall—15 minutes to the sponsor of the amendment and 5 minutes in opposition. If nobody yields time, time will be deducted proportionately.

The Senator from West Virginia.

Mr. BYRD. Mr. President, does the distinguished Senator from Arizona wish to use any time at this point?

Mr. MCCAIN. No.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, how much time does the distinguished Senator from Massachusetts wish?

Mr. KENNEDY. Four and a half minutes.

Mr. BYRD. I yield 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the past few days we have debated the details of a resolution but not the implication of war with Iraq. We were into the debate on the resolutions for 2 days, and then a cloture motion was filed. I am reminded of the excellent statements made by my friend from West Virginia that this subject about war and peace deserves a longer period of time for discussion.

Earlier in the session, we debated for 21 days the Elementary and Secondary Education Act; 23 days on the energy bill; 19 days on trade promotion; 18 days on the farm bill—all extremely important, but this issue is far more so.

In facing the global challenges of these times, we defend American values and interests best when war is our last resort, not our first impulse. I commend President Bush for deciding in the end to take America's case to the United Nations. Make no mistake about it, this resolution lets the President go it alone. Iraq should have no doubt of the unity of the American purpose and the seriousness of our intent. Having suffered the tragedy of September 11, we will leave no stone unturned in the defense of innocent Americans.

The question is not whether we will disarm Saddam Hussein of his weapons of mass destruction but how. And it is wrong for Congress to declare war against Iraq now before we have exhausted the alternatives. It is wrong for the President to demand a declaration of war from Congress when he says he has not decided whether to go to war. It is wrong to avert our attention now from the greater and far more immediate threat of Osama bin Laden and al-Qaida terrorism.

Pick up the paper and see the different headlines: ''Attacks Put Troops on Alert''; ''They fear contact with al-Qaida''; ''Tape, Assaults Stir Worry About Resurgent Al Qaeda''; and the list goes on about the al-Qaida activities all over the world.

We cannot go it alone on Iraq and expect our allies to support us.

We cannot go it alone and expect the world to stand with us in the urgent and ongoing war against terrorism and al-Qaida.

We cannot go it alone in attacking Iraq and expect Saddam to keep his weapons of mass destruction at bay against us or our ally Israel.

We cannot go it alone while urging unprincipled regimes to resist invasions of their adversaries.

The better course for our Nation and for our goal of disarming Saddam Hussein is a two-step policy. We should approve a strong resolution today calling on the United Nations to require Iraq to submit to unfettered U.N. weapons inspections or face U.N.-backed international force. If such option fails, and Saddam refuses to cooperate, the President could then come to the Congress and request Congress to provide him with authorization to wage war against Iraq.

By pursuing this course, we maximize the chance that the world can disarm Saddam without our going to war or, if war was necessary, we would be joined by allied troops in the cause. In the end, having tried these options and failed, our allies are far more likely to support our intervention should we elect to attack alone.

The world looks to America not just because of our superior might or economic weight; they admire us and emulate us because we are a friend and ally that defends freedom and promotes our values around the globe. Those same traits that are the envy of the world should guide us today as we conclude this important debate.

I thank the Senator from West Virginia, and I yield back to him the remainder of my time.

Mr. BYRD. Mr. President, I thank the Senator. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 11 minutes.

Mr. BYRD. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand we have 5 minutes. I yield that 5 minutes to the Senator from Connecticut however he chooses to use it.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I thank my colleague from Arizona.

The amendment of the Senator from West Virginia which is before us would terminate, 12 months after the date of enactment of the underlying joint resolution, the authorization given in that resolution. In other words, it would put a time limit of a year subject to extension, but, nonetheless, a time limit for a year on the authorization provided in the underlying resolution.

I say to my colleagues respectfully, this amendment is unprecedented and unwise. It is unprecedented in the sense that in brief research overnight, I have not been able to find an occasion in which Congress has exercised authority with regard to military action under article I of the Constitution when Congress has attached a time limit to it.

There was one occasion when time limits were discussed with regard to the deployment of American forces in Bosnia, the Balkans, during the nineties, but I think we saw there why congressional imposition of time limits on authorization of military action is unwise.

Why is it unwise? It is unwise because it gives notice to our enemies that there is a limit to the authority we are giving the President as Commander in Chief of our military forces.

It allows them to calculate their actions based on that limited duration.

In Bosnia, when that deadline was articulated by the administration, it created expectations which were quite naturally frustrated and therein created a credibility gap.

There is a deadline in the underlying resolution, and the deadline is what it ought to be and always has been for military actions in which the Armed Forces of the United States have been involved. The authorization ends when the mission is accomplished, and in this case the authorization would end when the two missions stated were accomplished: When the President as Commander in Chief concluded that America was adequately protected, our national security was adequately protected from threats from Iraq, and that the relevant United Nations resolutions were adequately being enforced. That is the deadline.

If the mood of Congress should change, if the attitude of the public should change, Congress always reserves, as it has shown in the past, the power of the purse and the power to change its opinion. But this amendment at this time, as we try to gather our strength and unity of purpose to convince the international community to join with us, as they surely will, is to finally get Saddam Hussein to keep his promise to disarm at the end of the gulf war.

We need no limitations on authority. We need to speak with a clear voice. As it says in the Bible, if the sound of the trumpet be uncertain, who shall follow? And if we put a 12-month time limit on the authority of the underlying resolution, I fear that fewer will follow and the result will be much less than we want it to be.

I reserve the remainder of my time.

Mr. McCAIN. Mr. President, I oppose the amendment offered by the Senator from West Virginia, which would sunset the authority Congress would grant to the President in this resolution to defend American security against the threat posed by Iraq.

As the Senator has pointed out, the 12-month limit on congressional authorization for the use of force his amendment would set could be extended by presidential or congressional action. However, these requirements are onerous and infringe upon the authority of the Commander in Chief to meet his obligations to protect American security.

The concept of imposing a deadline after which the President loses his authority to achieve the goals set out in the Iraq resolution strikes me as losing sight of the objective of a congressional authorization of the use of force: ending the threat to the United States and the world posed by Saddam Hussein's regime, so long as it possesses weapons of mass destruction and defies its obligations to the world.

So long as that threat persists, and with Congress and the President having agreed that Saddam Hussein's regime endangers America, congressional authority for the President to use force must remain in force until he has met our common objective of disarming Saddam Hussein.

To place a limit on the amount of time the President possesses this authority, once Congress has granted it to him, would only encourage Saddam Hussein to stall and temporize on his commitments, knowing that the clock is working in his favor. Such an incentive would make us less secure, not more secure.

If the vast majority of Members of Congress and the American people agree upon the threat posed by Saddam Hussein's Iraq, and if we accept that the President will confront this danger within the parameters we have laid out in this congressional resolution, what about that threat would change in 12 months, assuming we have not acted against it by that time, that would somehow negate the President's need for the authority to meet it?

If anything, the threat posed by Saddam Hussein's regime will only grow with time. Private and public estimates are that Saddam Hussein could possess nuclear weapons within six months to a year were he to acquire weapons-grade plutonium on the international market.

That's why the President has requested the authority to act now. Saddam Hussein represents a grave and gathering danger. I hope he is no longer in power 1 year from now. But there is certainly a chance he could be.

Congress cannot foresee the entire course of this conflict. Acting now to deprive the President 12 months from now of the authority we would grant him in this resolution would be an infringement on the authority of the Commander in Chief and a strange way to respond to the grave threat to American national security posed by Saddam Hussein's regime.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. I yield 2 minutes to the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, the Senator from Connecticut is right that article 1 of the Constitution does not provide for this, but article 1 of the Constitution also does not provide for a declaration of war before the President is asked to go to war. So this is a very different circumstance. The President has not asked us to go to war. He has said he wants the power to be able to go to war. It seems completely consistent with that request that we say: Yes, Mr. President, you have that power to go to war; you can do that within 1 year. If, in fact, you go to war in 1 year, you can extend that 1 year.

Let me put it this way. If we are 2 years down the road still fooling around with Iraq, then my friends from Connecticut and other places have been so dead wrong about what we are supposed to do that it would be amazing.

I point out that this is nothing like Bosnia and nothing like the Balkans. In that case, we were in the Balkans. There were forces there, and there were people on the floor who were attempting to put a time on how long they could stay after we had gone in, after we had already prevailed, after we were in place.

The third point I make in the 2 minutes I have is, we learned from Vietnam the power of the purse is useless. The power of the purse is useless because it presents us with a Hobson's choice. We have our fighting men and women in place and we are told, by the way, the President will not take them home so let's cut off the support for them so they have no guns, no bullets, no ability to fight a war. And no one is willing to do that. This is a prudent way to do this, totally consistent with what the President is asking. I think it makes absolute eminent sense. I congratulate the Senator. Even though I disagree with him on his underlying notion, I do think he is right on this point and I support him.

Mr. BYRD. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 20 seconds.

Mr. BYRD. I ask to be notified when I have 2 minutes left.

Mr. President, 38 years ago I, ROBERT C. BYRD, voted on the Tonkin Gulf Resolution—the resolution that authorized the President to use military force to ''repel armed attacks'' and ''to prevent further Communist aggression'' in Southeast Asia.

It was this resolution that provided the basis for American involvement in the war in Vietnam.

It was the resolution that lead to the longest war in American history.

It led to the deaths of 58,000 Americans, and 150,000 Americans being wounded in action.

It led to massive protests, a deeply divided country, and the deaths of more Americans at Kent State.

It was a war that destroyed the Presidency of Lyndon Johnson and wrecked the administration of Richard Nixon.

After all that carnage, we began to learn that, in voting for the Tonkin Gulf Resolution, we were basing our votes on bad information. We learned that the claims the administration made on the need for the Tonkin Gulf Resolution were simply not true, and history is repeating itself.

We tragically and belatedly learned that we had not taken enough time to consider the resolution. We had not asked the right questions, nor enough questions. We learned that we should have been demanding more hard evidence from the administration rather than accepting the administration at its word.

But it was too late.

For all those spouting jingoes about going to war with Iraq, about the urgent need for regime change no matter what the cost, about the need to take out the evil dictator—and make no mistakes, I know and understand that

Saddam Hussein is an evil dictator—I urge Senators to go down on The Capital Mall and look at the Vietnam memorial. Nearly every day you will find someone at that wall weeping for a loved one, a father, a son, a brother, a friend, whose name is on that wall.

If we are fortunate, a war with Iraq will be a short one with few American deaths, as in the Persian Gulf war, and we can go around again waving flags and singing patriotic songs.

Or, maybe we will find ourselves building another wall on the mall.

I will always remember the words of Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf Resolution. During the debate on the Tonkin Gulf Resolution, he stated: ''The resolution will pass, and Senators who vote for it will live to regret it.''

Many Senators did live to regret it.

The Tonkin Gulf Resolution contained a sunset provision to end military action. S.J. Res. 46 will allow the President to continue war for as long as he wants, against anyone he wants as long he feels it will help eliminate the threat posed by Iraq.

With the Tonkin Gulf Resolution, Congress could ''terminate'' military action. With S.J. Res. 46 , only the President can terminate military action.

I should point out that the Tonkin Gulf Resolution and S.J. Res. 46 do have several things in common. Congress is again being asked to vote on the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

This is why I stand here today, before this Chamber, and before this Nation, urging, pleading for some sanity, for more time to consider this resolution, for more hard evidence on the need for this resolution.

Before we put this great Nation on the track to war, I want to see more evidence, hard evidence, not more Presidential rhetoric. In support of this resolution, several people have pointed out that President Kennedy acted unilaterally in the Cuban missile crisis. That is true. I remember that. I was here. I also remember President Kennedy going on national television and showing proof of the threat we faced. I remember him sending our UN ambassador, Adlai Stevenson, to the United Nations, to provide proof to the world that there was a threat to the national security of the United States.

All we get from this administration is rhetoric. In fact, in an address to our NATO colleagues, Defense Secretary Donald Rumsfeld, according to the Chicago Tribune, urged our allies to resist the idea for the need of absolute proof about terrorists intent before they took action.

Before we unleash what Thomas Jefferson called the ''dogs of war,'' I want to know, have we exhausted every avenue of peace? My favorite book does not say, blessed are the war makers. It says: ''Blessed are the peacemakers.'' Have we truly pursued peace?

If the need for taking military action against Iraq is so obvious and so needed and so urgent, then why are nearly every one of our allies opposed to it? Why is the President on the phone nearly every day trying to convince our allies to join us?

So many people, so many nations in the Arab world already hate and fear us. Why do we want them to hate and fear us even more?

People are correct to point out that September 11 changed everything. We need to be more careful. We need to build up our intelligence efforts and our homeland security. But do we go around pounding everybody, anybody, who might pose a threat to our security? If we clobber Iraq today, do we clobber Iran tomorrow?

When do we attack China? When do we attack North Korea? When do we attack Syria?

Unless I can be shown proof that these distant nations do pose an immediate, serious threat to the national interests and security of the United States, I think we should finish our war on terrorism. I think we should destroy those who destroyed the Trade Towers and attacked the Pentagon. I think we should get thug No. 1 before we worry about thug No. 2.

Yes, September 11 changed many aspects of our lives, but people still bleed. America's mothers will still weep for their sons and their daughters who will not come home.

September 11 should have made us more aware of the pain that comes from being attacked. We, more than ever, are aware of the damage, the deaths, and the suffering that comes from violent attacks.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. BYRD. I thank the Chair.

This is what we are about to do to other countries. We are about to inflict this horrible suffering upon other people.

Of course, we do not talk about this. We talk about taking out Saddam Hussein. We are talking about taking out Iraq, about ''regime change.''

I do not want history to remember my country as being on the side of evil.

During the Civil War, a minister expressed his hope to President Lincoln that the Lord was on the side of the North. The Great Emancipator reportedly rebuked the minister stating:

> It is my constant anxiety and prayer that I and this nation are on the Lord's side.

Before I vote for this resolution for war, a war in which thousands, perhaps tens of thousands or hundred of thousands of people may die, I want to make sure that I and this Nation are on God's side.

I want more time. I want more evidence. I want to know that I am right, that our Nation is right, and not just powerful.

And I want the language that is in this amendment so that Congress can oversee this power grab and act to terminate it at some point in time—giving the President the opportunity to extend the time but let's keep Congress in the act.

Senators, vote for this amendment. I plead with you.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I am opposed to the Byrd amendment, for this is a resolution to deter war.

The amendment proposed by Senator BYRD would insert into the joint resolution, language which would state that nothing in that joint resolution: is intended to alter the constitutional authorities of the Congress to declare war, grant letters of marque and reprisal, or other authorities invested in Congress by Article I, Section 8, of the Constitution; or shall be construed as granting any authority to the President to use the U.S. Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the U.S. or its armed forces unless the Congress otherwise authorizes.

The amendment of the Senator from West Virginia attempts to do something that the Framers of the Constitution did not attempt—to define, with particularity, the extent of the President's powers as Commander in Chief of the Armed Forces. Specifically, it would limit the authority of the President to use Armed Forces to a narrowly defined set of circumstance—''a clear threat of imminent, sudden and direct attack upon the United States or its Armed Forces.'' Even when the United States enjoyed genuine geographic and political isolation from the Old World, such a limitation could not be maintained. Within a decade of the ratification of the Constitution, the United States engaged in an undeclared naval war with France. Shortly thereafter, we engaged in undeclared war with the Barbary States of North Africa, who had engaged in piratical depredations against American shipping.

In 1861, President Lincoln, faced with an unprecedented situation, imposed a blockade—an act of war normally employed against a foreign enemy—upon the Southern Confederacy. He did this without congressional authorization. The Supreme Court later upheld this action in the famous Prize Cases, stating that the President had a constitutional duty to meet the insurrection as he found it; the determination that a state of war existed was for him to make.

This is not a Republican or Democratic issue. Since 1945, Presidents of both parties have repeatedly committed American troops abroad without formal congressional approval. Whether in Korea, Grenada, Panama,

Kosovo, or numerous other areas of the world, our Presidents have used their powers as Commander in Chief to protect the Nation and American interests whenever they, in their considered judgment, thought it best to do so. The Clinton administration, which committed American troops to military operations abroad on an unprecedented scale in situations not involving imminent danger of attack to the United States, did not request formal congressional approval for any of those oeprations—believing that the President possessed the constitutional authority to do so. Indeed, the Secretary of State in 1998 publicly stated that the 1991 congressional resolution authorizing the use of force against Iraq, together with existing Security Council resolutions, constituted sufficient authority for the use of force against Iraq.

On September 11th of last year the American people awoke to the realization that they were in imminent danger, had been for some time, and this danger gives no warning. It is a different type of danger, but no less real and no less threatening to the Nation than more traditional ones. As the President reminded us in his speech to the Nation on Monday evening:

> Iraq could decide on any given day to provide a biological or chemical weapon to a terrorist group or individual terrorists. Alliance with terrorists could allow the Iraqi regime to attack America without leaving any fingerprints . . . confronting the threat posed by Iraq is crucial to winning the war on terror.

On the Today Show this week, Richard Butler, former head of UNSCOM, was asked how easy it would be for the Iraqis to arm a terrorist group or an individual terrorist with weapons of mass destruction. His response was ''Extremely easy. If they decided to do it, piece of cake!''

They may already have done it. The danger is clear, present, and imminent. We must grant the President the authority to use armed force to protect the Nation, and the flexibility to employ that force as seems best to him. Our enemies are cunning and flexible; we cannot defeat them with anything less.

The Byrd amendment regarding preservation of Congress's constitutional authorities is unnecessary. The portion of the amendment that would limit the authority of the President to wage war is, arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield the remaining time on our side to my friend from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Connecticut for his thoughtful statement. I want to say in the few remaining seconds that to view the cause of the tragedy of the Vietnam war as being the Tonkin Gulf resolution is a somewhat, in my view, simplistic view.

There were a lot of factors that entered into the beginning and the continuation of the Vietnam war. The Tonkin Gulf resolution was simply window dressing. At any time the Congress of the United States could have reversed that resolution and chose not to.

The ACTING PRESIDENT pro tempore. The time in opposition has expired.

The sponsor has 37 seconds.

Mr. BYRD. Mr. President, this is a Tonkin Gulf resolution all over again. Let us stop, look, and listen. Let us not give this President, or any President, unchecked power. Remember the Constitution. Remember the Constitution.

Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. They have not.

Mr. LIEBERMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to Byrd amendment No. 4869, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—31

Akaka	Dodd	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Rockefeller
Boxer	Feingold	Sarbanes
Byrd	Harkin	Schumer
Cantwell	Hollings	Stabenow
Chafee	Inouye	Torricelli
Clinton	Jeffords	Wellstone
Conrad	Kennedy	Wyden
Corzine	Kerry	
Dayton	Kohl	

NAYS—66

Allard	Carper	Feinstein
Allen	Cleland	Fitzgerald
Baucus	Cochran	Frist
Bayh	Collins	Graham
Bennett	Craig	Gramm
Bond	Crapo	Grassley
Breaux	Daschle	Gregg
Brownback	DeWine	Hagel
Bunning	Domenici	Hatch
Burns	Edwards	Hutchinson
Campbell	Ensign	Hutchison
Carnahan	Enzi	Inhofe
Johnson	Murray	Smith (NH)
Kyl	Nelson (FL)	Smith (OR)
Landrieu	Nelson (NE)	Snowe
Lieberman	Nickles	Specter
Lott	Reed	Stevens
Lugar	Reid	Thomas
McCain	Roberts	Thompson
McConnell	Santorum	Thurmond
Miller	Sessions	Voinovich
Murkowski	Shelby	Warner

NOT VOTING—3

Helms	Lincoln	Mikulski

The amendment (No. 4869), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order, there will now be 45 minutes prior to the cloture vote on amendment No. 4856, as modified. Under the previous order, the first 15 minutes shall be under the control of the Senator from West Virginia, Mr. BYRD, the second 15 minutes shall be under the control of the Republican leader, and the third 15 minutes shall be under the control of the majority leader.

Mr. BYRD. Mr. President, I yield 5 minutes of my 15 minutes to the distinguish Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished President pro tempore and the Chair.

Mr. President, I have sought this time to register my very strong objection to cloture on this resolution authorizing the use of force, which is the equivalent of a declaration of war. In my 22 years in the Senate, the only issue which has been of equal importance was the authorization for the use of force in 1991. The motion to invoke cloture, which is to cut off debate, is supposed to be done when there is a filibuster. However, there is no filibuster present on this issue.

I came to the floor yesterday in an effort to participate in a colloquy with Senator LIEBERMAN, the lead proponent of the bill, and found that all the time was allotted and all the time was taken. When no one appeared, we had about 3 minutes to discuss an issue which really required 30 minutes or an hour. I then sought time later in the afternoon, and all the time was taken. I then sought time this morning and find that the only time which is available is some time after 5 p.m. this afternoon.

It is customary in the Senate to see two lights on for a quorum call, but there have been very few quorum calls on this resolution—really none—except when Senators are on their way to the floor or when there are discussions. So there has certainly not been any effort to filibuster. Those who sought time to come over and discuss important issues have found that there is no time to do so.

We now have a series of amendments lined up with time allocations which are very brief. To discuss the cloture resolution itself in 45 minutes is very limited. To discuss the amendments which are pending is very difficult.

There is in the bill a change from the 1991 resolution which has an objective test for the President to use force to carry out U.N. resolutions, whereas in the current resolution, it is subjective as the President sees fit. That is a matter of great moment which has not been debated in the Senate.

The resolution has numerous whereas clauses so that one can read the resolution to justify the use of force if the Iraqi Government continues to abuse its citizens. I would not want to say the Iraqi Government has not abused its citizens, but I do not believe anyone is seriously contending that is the basis for the President to take the United States to war. To stop Saddam Hussein from having weapons of mass destruction which pose a threat to the United States, is a reason.

Then there is the issue of regime change, which is in the whereas clause. The resolution contains a provision for U.S. national security interests. I posed questions to the Senator from Connecticut yesterday as to whether regime change was comprehended in our national security interest. That has yet to be answered.

The point I am making is that this is a matter which requires discussion and analysis. I do not believe it helps the President of the United States to have the Senate rush to judgment. It is not quite a blank check. It is not quite a knee-jerk reaction, but it is not the kind of deliberation that ought to characterize the work of this body. It would be unfortunate if the Senate votes for a resolution authorizing the use of force notwithstanding the questions which I have raised, although I said on the floor before that I may well support the President. However, if we do so in a context of deliberation and thoughtfulness when people like Senator LIEBERMAN, Senator MCCAIN, Senator WARNER, Senator BIDEN, Senator JEFFORDS, and other Members, put our imprimatur on it, it has some significance in the international arena, providing it is debated, and providing there is some lucid discussion on all of the issues we are confronting.

I noted in the ''Philadelphia Inquirer'' this week the comment of a House member: The President has handcuffed us. I am voting yes on this resolution because I think ultimately the box the President has put us in has forced us to vote in the interests of national security.

I do not think we ought to vote for this resolution because we are being handcuffed. I do not think anyone anywhere ought to vote for a resolution for being handcuffed or for being put in a box.

These are matters which require a lot of analysis and a lot of debate. The cloture motion will cut off nongermane amendments. That is a very tight restriction. Other amendments ought to be offered which are very important to the discussion on this critical matter. I thank the Senator from West Virginia, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for a very courageous statement.

The Polycraticus of John of Salisbury, completed in 1159, says that Nero, the sixth in line from Julius, having heard the Senate had condemned him to death, begged that someone would give him courage to die by dying with him as an example. When he perceived the horseman drawing near, he upbraided his own cowardice by saying: ''I die shamefully.'' So saying, he drove the steel into his own throat and thus, says John of Salisbury, came to an end the whole House of the Caesars.

Mr. President, here in this pernicious resolution on which the Senate will vote soon, we find the dagger that is being held at the throat of the Senate of the United States. I say to my friends, we ought to pause and wonder if Captain John Parker and his minutemen fought on the green of Lexington for this piece of rag, this so-called resolution. When Parker lost 8 or 10 of his men with that first shot, is this what they died for, this resolution? Is that what they died for?

How about John Paul Jones, when he was fighting the *Serapis*. He was the captain of the *Bon Homme Richard* when he said, I have not yet begun to fight. What he was fighting for? Was he fighting for this piece of cowardice here in this resolution that gives to the President—lock, stock and barrel—the authority to use the military forces of this country however he will, whenever he will, and wherever he will, and for as long as he will?

We are handing this over to the President of the United States. When we do that, we can put a sign on the top of this Capitol, and we can say: ''Gone home.'' ''Gone fishing.'' ''Out of business.''

I don't believe our forebears died for that kind of a piece of paper. How about Nathan Hale? He, too, was from Connecticut, may I say to the chief sponsor of this resolution. Nathan Hale volunteered to go into the British lines when he was called upon to do so by George Washington. He volunteered. He went behind the British lines to draw the gun emplacements, the breastwork of the British. And on the night of September 21, 1776, he was prepared to return to his own lines. He had on his person the pictures that he had drawn, the notes he had made, and he was discovered as a spy on the night of September 21, 1776. Nathan Hale.

The next morning he was hauled up before a wooden coffin in which he knew that his body would soon lie and grow cold. And the captain of the British, Captain Cunningham, said to Nathan Hale: Do you have anything that you would like to say? He had already been refused a Bible. He was asked, did he have anything further.

He said: I only regret that I have but one life to lose for my country.

Nathan Hale gave his own life, one life. It was all he had. Can we give one vote for our country today? Each of us took an oath under this Constitution. You took it in the chair, Mr. President. Mr. Senator from Virginia, you took it. This is the Constitution that James Madison from the State of Virginia helped to write; that George Washington helped to write. We take an oath to support and defend that Constitution. Are we defending it here today? Are we defending the role of the Senate as set forth in this Constitution which says Congress shall declare war?

Here we are about to hand off that role, that responsibility, to a President of the United States without limitation. He can go on and on. We are out of it. Once we pass this resolution and it is signed by the President, Senators are out of it. You can complain, but it won't help.

I say that we are denying the American people their right to be heard. Here we are being shut off on a cloture vote. I know the rules of the Senate. I have used the cloture vote myself. But in a situation such as this, I have pleaded for time, more time. I have been turned down.

The American people out there are going to render a judgment. They are going to render a judgment on every Senator in this body before it is over. I pray to God that if we go to war with Iraq, we will be lucky. I pray to God we will be lucky.

Nobody will support this country in war any more strongly than will I. But here today we are being tested. I didn't swear to support and defend the President of the United States when I came here. I pledged on the Bible up there on the desk to support and defend the Constitution of the United States, so help me God. That was no light prayer. That was no light oath.

I think we ought to look inside of ourselves. Look at our children and grandchildren. Look in the mirror and see if you can say: Old buddy, I voted for what I thought was right. I voted with the Constitution.

They say: Well, support our Commander in Chief. He is Commander in Chief of the Army and Navy and the militia when called into service. He is not Commander in Chief of industry. He is not Commander in Chief of the Senate of the United States. So where are the Nathan Hales today who would give their life, their own life for their country? Give one vote for this Constitution. After all, if it were not for this Constitution, I wouldn't be here. You would not be here. You would not be here. You would not be here. None of us would be here. But because of this Constitution, we are here today.

The people want us to ask questions. They want us to take a stand. They want us to take a stand against this stampede. Where are Senators today? Where are the backbones that stand up for the people? How many mothers, how many fathers will see their sons and their daughters die possibly in a war in a foreign land?

I say, my friends, I am sorry to see this day. This is my 50th year in Congress. I never would have thought I would find a Senate which would lack the backbone to stand up against the stampede, this rush to war, this rush to give to the President of the United States, whatever President he is, whatever party, this rush to give a President, to put it in his hands alone, to let him determine alone when he will send the sons and daughters of the American people into war, let him have control of the military forces. He will not only make war, but he will declare war.

That flies in the face of this Constitution. This Constitution does not give to a President of the United States the right to determine when, where, how, and for how long he will use the military forces of the United States.

I plead to Senators in the name of this Constitution: We need people who will stand up for the American people. We need Senators who will take a stand. I hope Senators will take what I am saying in the best of spirit. I think we are making one horrible mistake.

Remember: I only regret that I have but one life to lose for my country. Nathan Hale.

The PRESIDING OFFICER. Under the previous order, the next 15 minutes will be controlled by the Republican Party.

The Republican leader is recognized.

Mr. LOTT. Mr. President, I believe under the agreement, I have 15 minutes of this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. I will use approximately 5 minutes of the time and yield the remainder of my time to Senator WARNER.

I would like to begin by saying how much I appreciate the work that has been done here in handling this legislation, having a full debate. Senator WARNER has been here joining in the discussion, Senator REID, Senator MCCAIN. There has been a serious effort to make sure we had an orderly process where Senators could make their feelings known. There has been thoughtful discussion on both sides of the issue, and there might have been one or two quorum calls the whole time because Senators have known, when you come to the floor, this will be your opportunity to speak on this issue.

And there will be more time today. As I look at the schedule that was lined up through the diligent efforts of Senator WARNER, Senator MCCAIN, and Senator REID, we are going to have votes on amendments—even amendments that would not be germaine postcloture. There has been a real effort to make sure Senator BYRD and Senators LEVIN, DURBIN, BOXER, and others have an opportunity to offer amendments and make their case. We will have five votes between now and approximately 4 o'clock this afternoon.

Mr. President, I remember the discussion back in 1991 on the Persian Gulf resolution. I think we had about 2 days of debate previously, and 2 ½ days when we actually took up the debate—when it passed. It was a very important debate. I thought it was an occasion when the Senate proved it is the world's greatest deliberative body. It was very serious. Every Senator spoke, we had the vote, and it passed. I thought it was one of the high-water marks since I have served in the Senate. It was only 2 ½ days and every Senator got a chance to speak.

In 1998, at the request of President Clinton, I moved aggressively, in a bipartisan way, to pass the Iraqi Liberation Act. As I recall, at that time, Senator KYL worked with me on that issue, Senator WARNER was involved, as were Senators KERRY and LIEBERMAN, and we passed that resolution, which also called for a regime change unanimously, with very short debate—as I recall, maybe even a half day, or a day at the most. But it was important debate and an important vote.

So when we have been called on by Presidents of both parties to address this very serious issue in this very serious area of the world, we have handled it in the right way. I think that is the case here. Senators were told in my conference, and I know Senator DASCHLE told his side's conference, you will be able to speak on Friday and, again, on Monday. We will stay as long as you need. We had all day yesterday. A great effort was made to make sure Senators had a chance to speak. Now Senators have a chance to offer amendments and speak on them. After the vote between 3 and 4 o'clock, there will be more time because Senators do feel strongly about this and want an opportunity to be heard. They are going to have that opportunity.

I believe this issue has been aired fully. It is not new. We have been worrying about this, talking about this, and debating the seriousness of the threat from Saddam Hussein and his weapons of mass destruction for years—really, for 11 years. There is new information that is available. We have had our classified briefings. I have made sure Senators on our side—and I know the administration has made sure Senators on both sides of the aisle—have had a chance to get briefings at multiple opportunities. So Senators know what the issue is. We have seen, yesterday, Senators from both parties moving toward giving the President the authority to do this job.

I hope we can get inspectors in there, that they can find the weapons of mass destruction, and they are destroyed. But I don't trust Saddam Hussein. His record is clear. I think, once again, he will resist, he will agree, he will dissemble. In the end, he will try to block this. You can always hope and pray we will find a solution here.

The President of the United States has listened to the American people, to the Congress, to the U.N, and our allies. The President came to the Congress and said, yes, I want your input. He sent up some suggested language on this resolution, and it was changed once and then twice; significant changes were made at the recommendation of Senators on both sides of the aisle. So he has worked with us in this effort. He encouraged our involvement and our debate. He has gone to the U.N. and called on them to stand up to their commitment and do their job, and quit passing resolutions that are not backed or demanded to be complied with, with force if necessary. He did the job. He and his administration, including the Secretary of State, Colin Powell, have worked with allies at the U.N. and with our allies around the world. This President has made it clear he is not going to act precipitously, but he is prepared to act.

This President has led with commitment and has shown leadership. He is prepared to try to find a peaceful solution here. But unless we make it clear he is committed, we are committed, and the U.N. is committed, this problem will not go away. It is serious and it is imminent. It takes but one person with a small container to bring very dangerous weapons of mass destruction into this country.

Some people say, why now? Well, because the threat is not going to lessen. It has been 4 years since we passed the Iraqi Liberation Act in 1998. I suspect matters have gotten much worse. Besides that, the U.N. is going to be leaving soon for the year and won't be back until next August. We want to see action from the U.N. We need to act to show our commitment, and we need to show our determination to get them to act in a way that has real force.

I think we have had a full debate and we will have more debate. To try to delay it another day, another week, is not going to be helpful. We need to stand up now, show we mean what we say, and we are going to get the results and, by doing that, perhaps something can be worked out without the use of force. But this President has asked for this. This Senate is committed to this. I believe the vote will be overwhelming.

I urge my colleagues to vote for cloture. There will be times for postcloture debate. We have bent over backward to make sure everybody had an opportunity and will still have an opportunity to speak and even offer amendments.

With that, I yield the remainder of my time to the Senator from Virginia, who has done a magnificent job in fairly managing this legislation.

Mr. WARNER. I thank the leader. I appreciate very much the calm tone with which he addresses this issue of a rush to judgment. Regrettably, our colleague from Pennsylvania used those terms. I was reminded of being here last Friday afternoon for 5 ½ hours. What a memorable opportunity it was with my distinguished colleague from West Virginia. Senator KENNEDY and Senator DODD joined in. I think we went about a very constructive debate

and exchanged our views. Senator BYRD and I debated again on Monday, Tuesday, and Wednesday. Here we are on the fifth day.

Mr. President, this is not a rush to judgment. This is the Senate working diligently. Most of us were here close to 11 o'clock last night. In parallel, as the distinguished leader said—I remember it so well—the period of January 10 through 12, when a resolution, again drawn up by my colleague from Connecticut, the principal sponsor this time, at that time I was the principal sponsor. It was carefully debated. The Senate is doing its job and doing it well. We have had a very good debate and we will complete that debate here today, tomorrow, or whatever the case may be.

I wish to draw the attention of the Senate to the last vote—a very strong vote, not against our colleague from West Virginia. But I thought, as he mentioned the Gulf of Tonkin, how appropriate it was that in the leader's chair, Senator MCCAIN, my partner who is working diligently with me on this side, spoke very softly of his experience. I don't know of anyone in this Chamber more qualified than he to speak to that period, and the relevance of that resolution. I was Secretary of the Navy for 5 years, and Under Secretary during that period of time, and we remember well that period.

I wish to talk about the President of the United States. As I look upon this situation and listen to the debate, I think we are of a mind, all 100 of us, of the seriousness of these weapons of mass destruction. We may have a difference of conscience as to the level of threat posed perhaps today, tomorrow, in the future, but it is there. This is no question.

I stop to think that the United Nations has done nothing for 4 years. They have not sought to enforce the resolutions, 16 in number. It has been this President, President George Bush, who has taken the initiative to go not only to the American people, but to the whole world, and very carefully and methodically tell the world we should be on alert; we cannot do nothing. We should join as a community of nations to address it. He said that at the United Nations very brilliantly. I think everyone in this body respects him.

As we are debating today, another debate is taking place in the U.N. To the extent this resolution remains strong as it is now is the extent to which we can expect an equal and perhaps even stronger statement of resolve by the United Nations to fulfill its mandate, to fulfill its charter.

The League of Nations failed to act at a critical time in the history of this Nation, and it went into the dustbin of history. The United Nations will not go into the dustbin of history. I am confident that this time they will stand up, that they will devise a 17th resolution.

I look upon the action by the Senate today in voting a strong bipartisan vote for this resolution as not an act of war. It is an act to deter war, to put in place the tools for our President and our Secretary of State to get the strongest possible resolution in the United Nations. It is an act seen to force, I repeat, the last option as our President has said ever so clearly time and again. It is an act to deter war to make the last option the use of force.

I yield the floor.

Mr. DASCHLE. Mr. President, I yield 5 minutes of my time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the majority leader for his gracious yielding of time. I thank him for more than that. I thank him for his leadership in this matter of how the Senate should proceed with regard to Iraq, and I thank him specifically for the work that he and his staff did in negotiations with the White House and with Members of the House to get this resolution to where it is where I am confident it can and will enjoy broad bipartisan support.

There will be time for debate later in the day about the relevance of this resolution, about the extent to which I am confident it is clearly within our constitutional authority under article I. I have comparisons to other declarations of war and authorizations of military action, that is, if anything, more specific than most.

I am inspired by Senator BYRD's reference to Nathan Hale. Nathan Hale was not only a son of Connecticut, but a Yale man. For my entire freshman year, I walked by an inspiring statue of Nathan Hale. I read about him. I studied him. I cannot say I knew him personally, but I feel as if I knew Nathan Hale, who was remembered for saying: ''I regret I have only one life to give for my country.''

Nathan Hale was a patriot, and he was prepared to give his life for the security and freedom of his country. I am absolutely confident that if Nathan Hale were in the Senate of the United States today, he would not only be cosponsoring this resolution, he would be impatient to have the talking stop and the action begin.

Is it time? Are we ready? Time is what it is about.

It is 12 years since Iraq invaded Kuwait and threatened to invade Saudi Arabia and thereby showed that all that Saddam Hussein had been saying about wanting to make Baghdad the capital of the Arab world and dominate the Arab world was not just talk; he was prepared to act on it.

It is 12 years since U.N. Resolution 678 authorizing the use of force against Iraq.

It is 11 years since the congressional authorization for Desert Storm and the triumphant brilliant effort of our military in Desert Storm.

It is 11 years since Saddam asked for a cease-fire and accepted the inspection regime as part of that cease-fire on which he has never followed through and complied.

It is 11 years since the no-fly zones were first adopted and began to be enforced by American military personnel.

It is 9 years since the U.N. found Saddam in ''material breach of his international obligations.''

It is 9 years since Iraq under Saddam Hussein attempted to assassinate former President Bush.

It is 6 years since Saddam crushed Kurdish and Shi'a resistance to his regime.

It is 4 years since Saddam ejected inspectors and President Clinton ordered Operation Desert Fox, an air campaign against Iraq in response to this act.

It is 4 years since this Senate called for the indictment of Saddam as a war criminal.

It is 4 years since the Senate found Iraq in breach of international obligations and authorized 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 obligation.''

It is 4 years since Congress passed and President Clinton signed the Iraq Liberation Act.

It is more than 1 year since we were attacked by terrorists on September 11, 2001, showing us the risks of inaction against those who would arm and threaten us.

It is 1 month since the President of the United States challenged the United Nations to act against this international lawbreaker.

It is 8 days since we started the debate on this resolution in the Senate; excluding the Sabbath, 6 days. The Lord made Heaven and Earth in 6 days. It is time now for us to come to a conclusion.

Is it time? Are we ready to act? I think the record shows we are ready to act.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, if I need additional time, I will take it from my Senate leader allocation for the day.

The Senate is now engaged in one of the most consequential debates addressed in this Chamber for many years. We are confronting the grave issues of war and peace. We are considering how the United States should respond to a murderous dictator who has shown he will be bound neither by conscience nor by the laws or principles of civilized nations. And we are contemplating whether and under what conditions the Congress should authorize the preemptive use of American military power to remove the threat that he poses.

These questions go directly to who we are as a nation. How we answer them will have a profound consequence for our Nation, for our allies, for the war on terror, and perhaps most importantly, for the men and women in our Armed Forces who could be called to

risk their lives because of our decisions.

There is no question that Saddam Hussein is a dangerous man who has done barbaric things. He has invaded neighbors, supported terrorists, repressed and murdered his own people.

Over the last several months, as the world has sought to calm the violence between Israelis and Palestinians, Iraq has tried to inflame the situation by speaking against the very existence of Israel and encouraging suicide bombers in Gaza and the West Bank.

Saddam Hussein has stockpiled, weaponized and used chemical and biological weapons, and he has made no secret of his desire to acquire nuclear weapons. He has ignored international agreements and frustrated the efforts of international inspectors, and his ambitions today are as unrelenting as they have ever been.

As a condition of the truce that ended the gulf war, Saddam Hussein agreed to eliminate Iraq's nuclear, biological, and chemical weapons and to abandon all efforts to develop or deliver such weapons. That agreement is spelled out in U.N. Security Council Resolution 687. Iraq has never complied with the resolution.

For the first 7 years after the gulf war, it tried to deceive U.N. weapons inspectors, block their access to key sites, and make it impossible for them to do their jobs.

Finally, in October of 1998, the U.N. was left with no choice but to withdraw its inspectors from Iraq. As a result, we do not know exactly what is now in Iraq's arsenal. We do know Iraq has weaponized thousands of gallons of anthrax and other deadly biological agents. We know Iraq maintains stockpiles of some of the world's deadliest chemical weapons, including VX, sarin, and mustard gas. We know Iraq is developing deadlier ways to deliver these horrible weapons, including unmanned drones and long-range ballistic missiles. And we know Saddam Hussein is committed to one day possessing nuclear weapons.

If that should happen, instead of simply bullying the gulf region, he could dominate it. Instead of threatening only his neighbors, he could become a grave threat to U.S. security and to global security.

The threat posed by Saddam Hussein may not be imminent, but it is real, it is growing, and it cannot be ignored. Despite that, like many Americans, I was concerned by the way the administration first proposed to deal with that threat. The President's desire to wage war alone, without the support of our allies and without authorization from Congress, was wrong. Many of us, Democrats and Republicans, made it clear that such unilateralism was not in our Nation's best interest. I now commend the administration for changing its approach and acknowledging the importance of working with our allies. I also commend it for recognizing that under our Constitution, it is Congress that authorizes the use of force, and for requesting a resolution providing such authority.

I applaud my colleagues, Democrats and Republicans in the House and in the Senate, for the improvements they have made to the administration's original resolution. Four changes were especially critical.

First, instead of giving the President broad and unfocused authorization to take action in the region, as the administration originally sought, this resolution focuses specifically on the threat posed by Iraq. It no longer authorizes, nor should it be used to justify, the use of force against other nations, organizations, or individuals that the President may believe threaten peace and stability in the Persian Gulf region. It is a strong and focused response to a specific threat. It is not a template or model for any other situation.

Second, the resolution expresses the deep conviction of this Congress and of the American people that President Bush should continue to work through the United Nations Security Council in order to secure Iraqi compliance with U.N. resolutions. Unfettered inspections may or may not lead to Iraqi disarmament, but whether they succeed or fail, the effort we expend in seeking inspections will make it easier for the President to assemble a global coalition against Saddam should military action eventually be needed.

Third, this resolution makes it clear that before the President can use force in Iraq, he must certify to the Congress that diplomacy has failed, that further diplomatic efforts alone cannot protect America's national security interests, nor can they lead to enforcement of the U.N. Security Council resolutions.

Fourth, this resolution protects the balance of power by requiring the President to comply with the War Powers Act and to report to Congress at least every 60 days on matters relevant to this resolution.

This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values. It is more respectful of our Constitution, more reflective of our understanding that we need to work with our allies in this effort, and more in keeping with our strong belief that force must be a last resort, not a first response.

Because this resolution is improved, because I believe Saddam Hussein represents a real threat, and because I believe it is important for America to speak with one voice at this critical moment, I will vote to give the President the authority he needs, but I respect those who reach different conclusions. For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the costs America may have to bear. With this resolution, we are giving the President extraordinary authority. How he exercises that authority will determine how successful any action in Iraq might be.

In 1991, by the time the President's father sought congressional support to use force against Iraq, he had secured pledges of military cooperation from nearly 40 nations and statements of support from scores of others. He had already secured the backing of the United Nations, and he had already developed a clear plan of action. In assembling that coalition, the legitimacy of our cause was affirmed, regional stability was maintained, the risks to our soldiers were lessened, America's burden was reduced, and perhaps most importantly, Iraq was isolated.

At this point, we have done none of those things. That is why, unlike in 1991, our vote on this resolution should be seen as the beginning of a process, not the end. For our efforts in Iraq to succeed, the President must continue to consult with Congress and work hard to build a global coalition. That is not capitulation, it is leadership. And it is essential.

In my view, there are five other crucial steps the administration must take before any final decision on the use of force in Iraq is made. First and foremost, the President needs to be honest with the American people, not only about the benefits of action against Iraq but also about the risks and the costs of such action. We are no longer talking about driving Saddam Hussein back to within his borders, we are talking about driving him from power. That is a much more difficult and complicated goal.

There was a story in this past Sunday's Philadelphia Inquirer that top officials in the administration ''have exaggerated the degree of allied support for a war in Iraq.'' The story goes on to say that others in the administration ''are rankled by what they charge is a tendency'' by some in the administration ''to gloss over the unpleasant realities'' of a potential war with Iraq.

A report in yesterday's Washington Post suggests ''an increasing number of intelligence officials, including former and current intelligence agency employees, are concerned the agency is tailoring its public stance to fit the administration's views.''

I do not know whether these reports are accurate. We do know from our own national experience, however, that public support for military action can evaporate quickly if the American people come to believe they have not been given all of the facts. If that should happen, no resolution Congress might pass will be able to unify our Nation. The American people expect, and success demands, that they be told both the benefits and the risks involved in any action against Iraq.

Second, we need to make clear to the world that the reason we would use force in Iraq is to remove Saddam Hussein's weapons of mass destruction. I would have preferred if this goal had been made explicit in this resolution. However, it is clear from this debate that Saddam's weapons of mass destruction are the principal threat to the United States and the only threat that would justify the use of the United States military force against Iraq. It is the threat that the President cited repeatedly in his speech to the American people on Monday night. It may also be the only threat that can rally the world to support our efforts. Therefore, we expect, and success demands, that the administration not lose sight of this essential mission.

Third, we need to prepare for what might happen in Iraq after Saddam Hussein. Regime change is an easy expression for a difficult job. One thing we have learned from our action in Afghanistan is that it is easier to topple illegitimate regimes than it is to build legitimate democracies. We will need to do much better in post-Saddam Iraq than the administration has done so far in post-Taliban Afghanistan. Iraq is driven by religious and ethnic differences and demoralized by a repressive government and crushing poverty. It has no experience with democracy. History tells us it is not enough merely to hope that well-intentioned leaders will rise to fill the void that the departure of Saddam Hussein would leave. We must help create the conditions under which such a leader can arise and govern. Unless we want to risk seeing Iraq go from bad to worse, we must help the Iraqi people build their political and economic institutions after Saddam. That could take many years and many billions of dollars, which is another reason we must build a global coalition. The American people expect, and success demands, that we plan for stability and for economic and political progress in Iraq after Saddam.

Fourth, we need to minimize the chances that any action we may take in Iraq will destabilize the region. Throughout the Persian Gulf, there are extremists who would like nothing more than to transform a confrontation with Iraq into a wider war between the Arab world and Israel or the Arab world and the West. What happens if, by acting in Iraq, we undermine the government in Jordan, a critical ally and a strategic buffer between Iraq and Israel? What happens if we destabilize Pakistan and empower Islamic fundamentalists? Unlike Iraq, Pakistan already has nuclear weapons and the means to deliver. What happens if that arsenal falls into the hands of al-Qaida or other extremists?

We can tell the Arab world this is not a fight between their nations and ours. But a far better way to maintain stability in the gulf is to demonstrate that by building a global coalition to confront Saddam Hussein. That is why the administration must make every reasonable effort to secure a U.N. resolution just as we did in 1991. With U.N. support, we can count a number of Arab countries as full allies. Without U.N. support, we cannot even count on their airspace. We expect, and success demands, that any action we take in Iraq will make the region more stable, not less.

Fifth, and finally, we cannot allow a war in Iraq to jeopardize the war on terrorism. We are fighting terrorist organizations with global networks, and we need partners around the globe. Some, including the chairman of the President's own Foreign Intelligence Advisory Board, doubt we can count on this continued cooperation in the war on terror if we go to war against Iraq. I do not know if that is true. I do know, however, that the military intelligence and political cooperation we receive from nations throughout the world are critical to the war on terrorism.

Saddam Hussein may yet target America. Al-Qaida already has. The American people expect, and our national security demands, that the administration make plans to ensure that any action we take in Iraq does not distract or detract from the war on terror. If they fail to do so, any victory we win in Iraq will come at a terrible cost.

On Monday night in his speech to the Nation, the President said: The situation could hardly get worse for world security and the people of Iraq.

Yes, it can. If the administration attempts to use the authority in this resolution without doing the work that is required before and after military action in Iraq, the situation there and elsewhere can indeed get worse. We could see more turmoil in the Persian Gulf, not less. We could see more bloodshed in the Middle East, not less. Americans could find themselves more vulnerable to terrorist attacks, not less.

So I stress again, this resolution represents a beginning, not an end. If we are going to make America and the world safer, much more work needs to be done before the force authorized in this document is used.

Some people think it is wrong to ask questions or raise concerns when the President says our national security is at risk. They believe it is an act of disloyalty. I disagree. In America, asking questions is an act of patriotism. For those of us who have been entrusted by our fellow citizens to serve in this Senate, asking questions is more than a privilege, it is a constitutional responsibility.

The American people have serious questions about the course of action on which this resolution could set us. Given the gravity of the issues involved and the far-reaching consequences of this course, it is essential that their questions are answered. I support this resolution. And for the sake of the American people, especially those who will be called to defend our Nation, we must continue to ask questions.

On one point, however, I have no question. I believe deeply and absolutely in the courage, the skill, and the devotion of our men and women in uniform. I know that if it becomes necessary for them to stand in harm's way to protect America, they will do so with pride and without hesitation and they will succeed. They are the finest fighting force the world has ever known. For their sake, for the sake of all Americans, for the world's sake, we must confront Saddam Hussein. But we must do so in a way that avoids making a dangerous situation even worse.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate the distinguished majority leader for a very powerful and very clear statement. I, too, join you in saying that it is our responsibility to ask questions. Questions have been asked throughout this debate. As best we can, we answered them.

But I think the distinguished leader has provided very helpful guidance in the uncertain days, months, and perhaps years to come. I commend you. As one of the cosponsors, I welcome your strong support.

Mr. DASCHLE. I thank the Senator from Virginia for his kind words.

Mr. BYRD. Will the Senator yield to me?

Mr. DASCHLE. I am happy to yield.

Mr. BYRD. Mr. President, I congratulate our leader. I congratulate him not only for his statement today, but I congratulate him on refusing to stand with other leaders of my party on the White House lawn. He has shown leadership. He has kept himself apart, kept himself in a position to make decisions. He hasn't rushed, pell-mell, to shake this piece of rag. He has done what leaders should do. He has stood aside and waited, helped to advise us and counsel with us. He is the one leader on this Hill in my party who didn't rush to judgment on this blank check that we are giving the President of the United States. I thank him. I congratulate him. I shall always praise him for that.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from West Virginia for his kind words and for his understanding and appreciation for the difficulties we face in this body as we make these momentous decisions.

Mr. WARNER. Mr. President, regular order.

Mr. LEAHY addressed the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The regular order has been called for.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the Lieberman-Warner amendment to S.J. Res. 45:

Thomas Daschle, Bill Nelson, Joseph Lieberman, Evan Bayh, Harry Reid, Pete Domenici, Joseph Biden, Patty Murray, Jay Rockefeller, Larry E. Craig, Trent Lott, John Warner, John McCain, Jesse Helms, Craig Thomas, Don Nickles, Frank H. Murkowski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4856, as modified, to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The yeas and nays resulted—yeas 75, nays, 25, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—75

Allard	Ensign	McConnell
Allen	Enzi	Mikulski
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Nelson (FL)
Biden	Graham	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Schumer
Carnahan	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Clinton	Inhofe	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kerry	Snowe
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lieberman	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Torricelli
Dorgan	Lugar	Voinovich
Edwards	McCain	Warner

NAYS—25

Akaka	Dodd	Levin
Bingaman	Durbin	Murray
Boxer	Feingold	Sarbanes
Byrd	Hollings	Specter
Carper	Inouye	Stabenow
Chafee	Jeffords	Wellstone
Conrad	Kennedy	Wyden
Corzine	Kohl	
Dayton	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 4868

Under the previous order, there will now be 60 minutes of debate on the Byrd amendment No. 4868.

Who yields time?

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time run equally during the quorum call.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I did not see the Senator from Minnesota in the Chamber. It is my understanding he now wants to proceed with his 15 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I ask unanimous consent that I be added as an original cosponsor of Senator BYRD's amendment.

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

Mr. DAYTON. Mr. President, I rise to support this amendment by the great senior Senator from West Virginia. It closely parallels an amendment which I filed and which, unfortunately, now that the Senate has made its determination to limit the amount of time and debate on this historic decision, I will not be bringing to the Senate for a vote.

A decision to rush to judgment on this matter has now been made by the Senate. I won't belabor the point except to say that in January of 1998, after Saddam Hussein had bounced U.N. inspectors out of Iraq, the Senate took 5 months to consider and finally approve a resolution which did not even authorize President Clinton to use force. In October, 1998, the Senate passes another resolution which again did not authorize the President of the United States to use force.

In 1990, the Senate took 5 months after Saddam Hussein invaded Kuwait, and that resolution was passed just days before President Bush committed this Nation to its first military engagement in the Persian Gulf war.

We have had a number of very valuable hearings in the Senate Armed Services Committee in the last weeks. I asked one panel of recently retired generals, three of whom were directly involved in the Persian Gulf war, whether the absence of a Congressional resolution or declaration of war had in any way prevented or impeded that military buildup preparatory to the engagement in January of 1991. They said, no, it did not. So I don't understand why, from any consideration—military, diplomatic, or constitutional—we should be voting and rushing to this judgment this weekend, but we will.

We will be voting on what? What is it, S.J. Res. 46, that we are actually voting upon? It is a preapproval of whatever the President of the United States decides to do whenever. It is a vote for euphemisms such as ''to use force'' or ''as he determines to be necessary.'' Why? Why are we rushing to this judgment at this time? So we can adjourn in the next few days and go home until next January, or until we decide whether the outcome of the November election will aid or impair our own political agendas?

Some of those concerns might seem justified, particularly as they relate to our own domestic concerns. But for decisions of war or peace, decisions about what is right for our national security, decisions about the life or death of Americans fighting on our behalf, decisions about the survival of the existing world order and even possibly the survival of our world as we know it, there are no justifications for political calculation or personal convenience. There should be only one consideration, and that is to do what is right for the country, as God gives each of us to see that right.

Yet S.J. Res. 46 preapproves any decision by the President of the United States to commit this Nation to war at some time in the future, with U.N. support or without it—unilaterally, bilaterally, multilaterally, preventatively, preemptively. Even other amendments that I will support, which have the best of intentions, fall into this trap: What do you do when you are preapproving a war? Put a limit on this but not for that; if this; if that. However, it is very hard to forecast events of this magnitude.

There is no need for us to try to do so. There are no good reasons for us to do so, except the need to preapprove something and then go home.

If we don't vote for the final resolution, we will be accused of not supporting the President, of not speaking with one voice to Saddam Hussein, to the United Nations, and to the world. Those are very serious accusations, that you don't support the President of the United States. I do support the President. He is my President. He is our President. I pray he will make the right decisions and get the credit. I pray he won't make the wrong decisions and get the blame.

But when I am asked to support this President, or any President, I need to understand what it is exactly that he wants us to do, what he intends for us to support. This President, as I understood his speech last Monday, is certainly not asking the Congress to declare war on Iraq today. He is wisely reserving that judgment. Why wouldn't we exercise the same wisdom?

The situation, as we have seen in the last weeks, is inherently fluid. New facts become known; old facts even change. I support the President's reserving judgment until after the United Nations decision, until it attempts to force Saddam Hussein's compliance, until we can determine the outcome of those efforts. During those critical days or weeks ahead, I will be around. I will be available at any time, day or night, whenever, to participate back here on the Senate floor in this momentous decision. All of us in this Chamber and in the House could be here within hours, should be, and would be if we were called upon to do so, whenever the President or this Congress believed that a decision to commit this Nation to war must be made.

As the President said Monday night, the time before that decision is limited. But the time for that decision is not now.

Another reason to follow this protocol, the reason for my amendment,

the reason I support Senator BYRD's amendment, is that it is what the Constitution of the United States requires Congress to do—either declare war or not. It says right in that book—I don't carry it with me quite as faithfully as the great Senator from West Virginia, but I do happen to have my copy today—Congress shall declare war. That is about as clear and unambiguous a statement as could be made.

There are important reasons that Congress was given, and only Congress was given, that authority and that responsibility. Because it was considered by our Founders to be essential to the system of checks and balances upon which this Republic depends.

James Madison wrote a letter to Thomas Jefferson in 1798, less than a decade after the Constitution's ratification, in which he said:

> The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, & most prone to it. It has, accordingly, with studied care, vested the question of war in the Legislature. But the Doctrines lately advanced strike at the root of all these provisions, and will deposit the peace of the Country in that Department which the Constitution distrusts as most ready without cause to renounce it. For if the opinion of the President, not the facts & proofs themselves, are to sway the judgment of Congress in declaring war, and if the President in the recess of Congress create a foreign mission, appoint the minister, & negociate [sic] a War Treaty, without the possibility of a check even from the Senate, . . . it is evident that the people are cheated out of the best ingredients of their Government, the safeguards of peace which is the greatest of their blessings.

The subsequent 204 years have demonstrated many times the wisdom and foresight of our Constitution. Its principles should give special pause to this body when being admonished by the President, by any President, not to ''tie my hands.'' Those words indicate a regrettable lack of regard for Congress and for our constitutional standing as a coequal branch of Government. Our Nation's Founders darn well wanted to tie a President's hands.

Thomas Jefferson wrote:

> In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Those words are meant to apply to this President, to any President. Except in matters of war and peace? Especially in matters of war and peace. I would say this, the Constitution's wisdom has a very valuable perspective on the pressures and perils we face in this body today. Not only the perils in confronting a dangerous dictator, as we must, but also the perils in how we decide to do so.

Some might prefer to avoid the momentous decision the Constitution assigns us whether or not to declare war. Whether or not to send Americans into battle halfway around the world, where they would likely encounter the chemical or biological weapons we rightfully seek to spare this country. Some of those Americans will die too young, and others will suffer horrible wounds lasting for lifetimes. Iraqi children and their families will be destroyed in their own homes, schools, and mosques. The rest of the world will judge that decision and its consequences, which they could not escape.

We will read about it in the newspapers. We will watch its manifestations on television. We will probably attempt to share the credit if it turns out well, and avoid the blame if, God forbid, it doesn't. We will talk about that decision. We might even hold hearings on it, but we won't assemble in this Chamber where previous Senates once voted declarations of war, but not since World War II.

Mr. President, these decisions are ones we will live with for our lifetimes. They should not be made in these circumstances. We should follow the guidance we have seen evident from the changes in the administration's views over the last weeks. I support and applaud those changing perspectives. I respect a leader who can listen and learn, then adjust his views and decisions accordingly. I believe the wise counsel from Members of this body—Republicans, Democrats, and Independents—has been an important part of that process. I believe the American people, the collective wisdom of our fellow citizens, who overwhelmingly support the President, who overwhelmingly believe the President should consult with this body, who overwhelmingly believe the U.S. should act in concert with the U.N. and other nations of the world, and not alone, unilaterally, preemptively. I believe those public judgments, as we all manage to view them, probably daily in polling documents, have had enormous influence on the decisions that are going to be made.

We owe it to our responsibilities to what is best for this country; we owe it to the brave men and women who will have to carry out those decisions, to make them when they must be made, on the basis of the best, most current, and most complete information possible—knowing, even then, that we will still not have the certainty, clarity, foresight we would wish to have.

That is the wisdom of the Constitution. That is the wisdom of Senator BYRD's amendment. That is, I believe, the wisdom of the amendment I would have brought forth, which says simply the Congress shall go back to following the Constitution of the United States. The reasons for that document's decisions are as valid today as they were 213 years ago, and maybe some day—it will not be this week but soon, this body will review the decision not to follow its dictates and return to it. I look forward to that and, hopefully, Senator BYRD will be on the floor that day, as he deserves to be when that decision is made.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield myself 5 minutes. Mr. President, I wish to respond to a couple of the statements made by the junior Senator from Minnesota. I don't think they are actually correct in categorizing what happened in 1998. I believe I heard him say then we were very deliberative and the resolution we passed did not authorize the use of force. Well, I will show you what we did in 1998.

In 1998, Saddam Hussein had continued his defiance of the U.N. He had not complied with any of the 16 resolutions. So the U.S. passed a resolution saying he should comply, Public Law 105–235, on August 14th. But the deliberative portion was introduced before the Senate on July 31, 1998—placed on the calendar July 27, measure laid before the Senate on July 31—and it passed the Senate with an amendment by unanimous consent. So it passed in one day. I don't remember the number of hours spent in debate, but it wasn't a lot. To say we spent months deliberating it is not accurate. The fact is we passed it in one day. And then to say it had no authorization for force, I don't believe is actually correct either. If you look at the resolved section—I put the 1998 resolution in the calendar because I think it is important. It goes through several items of noncompliance by Iraq. Basically, we are saying we should force or compel Iraq to comply. The resolved section says:

> . . . the United States of America and Congress assembled, find the government of Iraq in a material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action in accordance with the Constitution and relevant laws of the United States to bring Iraq into compliance with international obligations.

I believe in the appropriate action Congress was saying with a united voice: Take military action, if necessary, to get Saddam Hussein to comply with the U.N. resolution. That is what this resolution stated. We passed it unanimously. We also passed, in 1998, the Iraqi Liberation Act. This act did not authorize any additional military force. That is correct with this act, but not with Public Law 105–235.

When someone says we didn't authorize force in 1998—yes, we did. The Iraqi Liberation Act didn't have an authorization of force, but it did include a change of regime. It said Saddam Hussein should go. Again, we spoke with a united voice. We passed that by a voice vote. I might mention this to my colleagues. In the House, it passed by 360–38. In the Senate, we received it from the House on October 6 and passed it in the Senate on October 7. We passed it by unanimous consent. We passed it without objection.

This resolution says it should be the policy of the U.S. to have a regime change. That became the law of the land. It passed unanimously in the Senate with an overwhelming vote in the House. Then, the earlier resolution that passed on August 14 said the President is urged to take appropriate action to compel compliance with existing U.N. resolutions. That was a

strong, united voice. Congress spoke together, overwhelmingly. It was not unanimous in the House, but it was unanimous in the Senate. Both of these resolutions passed in one day.

So for people who are saying we haven't been deliberative enough, and what is the consequence of this—what has changed? This Congress, Democrats and Republicans, this Senate unanimously told President Clinton to compel compliance. Also, we stated it was the public policy of Congress to have a regime change in Iraq. I want to clarify the RECORD and make sure we are factually accurate.

Congress spoke in a united fashion in 1998. It was proud to be part of that then, and I am proud to be part of the sponsorship of this resolution, which I believe will also pass with a very strong voice—after much more extensive debate than we had in 1998. I thank my friend for yielding me the time.

Mr. DAYTON. Will the Senator yield for a question?

Mr. MCCAIN. Not on our time. If the Senator from West Virginia would like to yield the Senator time, I would be more than happy.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he has 1½ minutes remaining.

Mr. DAYTON. I will use that 1½ minutes to respond. I was not here when those events occurred. I rely on the authorities and information available to me. I will note Senator LOTT was quoted in several publications. On February 12, the then-majority leader said:

> I had hoped that we could get to the point where we can pass a resolution this week on Iraq. But we really developed some physical problems, if nothing else. . . . So we have decided that the most important thing is not to move so quickly, but to make sure that we have had all the right questions asked and answered and that we have available to us the latest information about what is . . . happening with our allies in the world.

He went on to say:

> The Senate is known for its deliberative actions. And the longer I stay in the Senate, the more I have learned to appreciate it. It does help to give us time to think about the potential problems and the risks and ramifications and to, frankly, press the administration.

The majority leader made that statement on the Senate floor on February 12. The resolution was passed and signed by President Clinton August 14, 1998, 6 months later.

Also, I am not a legal scholar, but in making my comments I cited the opinion of counsel at the Library of Congress and its Congressional Research Services. They opined—I realize lawyers and others can disagree——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask for unanimous consent that I have 30 seconds more to finish my remarks.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I yield the Senator 2 minutes or whatever he needs.

Mr. President, I ask unanimous consent that Senator DAYTON's name be added as a cosponsor of my amendment.

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

Mr. DAYTON. I thank the Senator from West Virginia.

Mr. President, the opinion stated its judgment that since the document in 1998 urged the President to follow the actions which the Senator from Oklahoma has accurately described, it did not constitute an authorization under the War Powers Act. Furthermore, in the absence of any reference to authorization under the War Powers Act, which the resolution before us today contains, it did not provide that authority. I thank the Chair. I yield back time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 29 minutes 20 seconds.

Mr. BYRD. How many minutes?

The PRESIDING OFFICER. Twenty-nine.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that my time on this amendment not count against my hour under cloture.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. This shows the patience of a Senator. This clearly demonstrates that the train is coming down on us like a Mack truck, and we are not even going to consider a few extra minutes for this Senator.

Mr. BYRD. Mr. President, I yield 5 minutes to my friend from Pennsylvania.

Mr. MCCAIN. Mr. President, in deference——

Mr. BYRD. On the Senator's time.

Mr. MCCAIN. On my time. In deference to the Senator from West Virginia, on this one occasion, given all the circumstances, I will not object to it not counting against the Senator's hour.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore for yielding me 5 minutes.

I do support his amendment which has two provisions. First:

> Nothing . . . is intended to alter the constitutional authorities of the Congress to declare war, grant letters of Marque and Reprisal, or other authorities invested in Congress by Section 8, Article I of the Constitution.

I think this provision is necessary, although customarily you would not think that you would need a statute to say the Constitution governs. However, I have expressed on the floor of the Senate my concern of the constitutionality of the delegation of authority to the President here.

Congress has the authority to declare war. The authorization for the use of force is a practical equivalent. What we are doing is saying the President may decide when to use that force and, in effect, decide when the war will start, or really to make a determination as to when war is declared. So I think that it is important to have this sort of provision, although its importance is hard to evaluate historically.

The second part of the pending amendment of the Senator from West Virginia is:

> . . . shall be construed as granting any authority to the President to use the United States Armed Forces for any purpose not directly related to a clear threat of imminent, sudden, and direct attack upon the United States, its possessions, or territories, or the Armed Forces of the United States, unless the Congress of the United States otherwise authorizes.

The language of ''clear threat of imminent, sudden, and direct attack'' has been inserted in place of the language ''the existing threat posed by Iraq.'' This does call for a more precise determination of the need for preemptive action, and I think is sound. Ultimately, it is not going to detract from the authority of the President because the resolution allows the President to ''use all means that he deems to be appropriate,'' which is very broad authority.

The language of the pending Byrd amendment is consistent with one of the earliest articulations of the concept of self-defense. Secretary of State Daniel Webster in 1842, referring to self-defense in an anticipatory sense, stated that its use be ''confined to cases in which the necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment of deliberation.''

Hugo Grotius, considered the father of international law, said in his 1925 treatise that a nation may use self-defense in anticipation of attack when there is ''present danger,'' which is a broader definition. Grotius further said:

> It is lawful to kill him who is preparing to kill.

Elihu Root, a distinguished scholar on international law, said in 1914 that international law did not require a nation to wait to use force in self-defense ''until it is too late to protect itself.''

I think the language of the pending amendment offered by the Senator from West Virginia is helpful in providing assurance that preemptive force is really necessary. We know President Bush said he does not intend to use this military force unless absolutely necessary and has already made a determination that he thinks there is an imminent threat from Iraq. Some of the information which has been presented,

partly in closed session, supports the President's concern along that line, but I do think this language is helpful. Therefore, I support it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish to say very briefly that I understand people have a desire to speak. We have a number of Senators who have not spoken on this issue. It is already looking as if we may be here well into this evening. From now on, I will be adhering strictly to the rules according to postcloture. I hope my colleagues will be understanding because we have to resolve this issue.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Madam President, I believe the distinguished Democratic whip was able to get unanimous consent last night for my amendment No. 4868 to be modified to remove paragraph 2. It so states in the CONGRESSIONAL RECORD on page S10217; am I correct?

The PRESIDING OFFICER. The Chair believes the RECORD is in error and that only amendment No. 4869 was modified.

Mr. BYRD. On what basis—Madam President, I hope this time is not being charged. We are trying to clarify something.

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

Mr. BYRD. On what basis does the Chair maintain that the RECORD is in error in that portion of the RECORD from which I read on page S10217? What is the basis for the Chair stating that RECORD portion is in error?

I do not question the integrity of the Chair. I am only asking why does the Chair state—I know the Chair is being advised to that effect—why are we to say that this RECORD, as it is clearly written, is in error?

The PRESIDING OFFICER. The Chair is relying on the Journal of proceedings.

Mr. BYRD. And what does the Journal say?

The PRESIDING OFFICER. The Journal indicates that only amendment No. 4869 was modified.

Mr. BYRD. May I ask the distinguished majority whip, is that statement by the Chair in accordance with his understanding?

Mr. REID. I say to my friend from West Virginia, I read directly from the paper that the Senator gave me. There were two unanimous consent requests on it. The one was not acceptable. The other was, and I read that into the RECORD. As I recall, it was changing section 4 to 3, or 3 to 4. That is what I submitted.

Mr. BYRD. There were two requests, one changing the section numbers, and I am sure that one was agreed to.

Mr. REID. Yes.

Mr. BYRD. The other one, according to this RECORD, was also agreed to.

Mr. REID. No. That is the only one that—in fact, I said on the RECORD the other was not agreed to.

Mr. BYRD. May I read the RECORD. It is very short.

Mr. REID. Mr. President, this has been cleared with the minority. Mr. President, on behalf of Senator BYRD, I ask unanimous consent to modify his amendment No. 4868 to remove paragraph 2, and further I ask consent to modify amendment No. 4869 to change references to section 3(a) to 4(a).

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

Mr. REID. I say to my friend from West Virginia, I had the paper here and the clerk took that paper. Maybe they made a mistake. But there is no question in my mind whatsoever—as I told the Senator this morning when he came in—that the one had been approved, the other had not.

Mr. BYRD. Yes. The whip did tell me that, but when I looked at the RECORD, I saw, by the RECORD at least, it said that both requests were agreed to. I am not going to argue this point. I am going to take the distinguished whip's word, which is good for me at all times.

Mr. REID. I say to my friend from West Virginia, I appreciate that very much. In fact, there are a lot of things going on I may not be quite certain on, but I am absolutely, unqualifiedly certain of what I did last night.

Mr. BYRD. Madam President, I have absolute and complete faith in the integrity of the distinguished Senator from Nevada, and I thank the Chair, with the greatest of respect. I thank the Assistant Parliamentarian as well, for whom I have the greatest respect.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. BYRD. On this amendment?

The PRESIDING OFFICER. On this amendment, that is correct.

Mr. BYRD. Madam President, a point I want to make about this discussion that ensued after the statement was made by the distinguished Senator from Minnesota: There were references made to Public Law 105–235, August 14, 1998. Here is the resolving clause which has been quoted by the distinguished Republican whip:

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

That the government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged 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. Approved August 14, 1998.

Well, so what? What does that prove? What does that prove? Somebody tell me. Let's read it again. The resolving clause says that the Government of Iraq is in material and unacceptable breach of its international obligations. That is okay. But get this: And therefore the President is urged to take appropriate action.

What does that mean? There is nothing definitive about that. That is ambiguous. It is not contemporaneous with today's question. It is ambiguous. It is vague. What would that prove in a court if the Supreme Court of the United States were to take this up? What would those who read this piece of junk maintain that this says? It is plain. The President is urged—well, what does that mean, ''urged''?—to take appropriate action. What is that? That is not a declaration of war. What is that? What does that mean, ''to take appropriate action''? Well, you can guess, I can guess, he can guess, he can guess. Anybody can guess.

''Urges the President to take appropriate action in accordance with the Constitution . . . .'' Now, that is fine. It is in accordance with the Constitution. Then that would say that Congress has the power to declare war.

''In accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.'' What is he supposed to do? What is the President being urged to do to bring Iraq into compliance with its international obligations? Anybody's guess. Why, surely this great country of ours is not going to be able to launch a war on the basis of that ambiguous and vague language.

I wish those who are continuing to refer to this Public Law 105–235 and the so-called relevant U.N. resolutions would explain what they mean. I hear that over and over again. In connection with the resolution that is before this Senate today, it refers to all relevant U.N. Security Council resolutions. ''All relevant . . . .'' What does that mean? And they keep referring to 660 and 678 and 687. I would like to discuss those resolutions with those who will do so. I hope they come on the floor. Where are they? Where are these men of great strength? Let them come to the floor. I want to debate with them these so-called resolutions.

In this resolution that is before the Senate, S.J. Res. 46, it refers to relevant resolutions. They keep talking about the relevant resolutions. What resolutions are they talking about enforcing? Are they talking about 660? Are they talking about 678? No. 678 was adopted on November 29, 1990. Is that what they are talking about? U.N. Resolution 687 was the enforcement resolution. That was the resolution that authorized the member states to act to uphold Resolution No. 660. But that conferring of authorization was wiped out. No. 678 was wiped out by 687 when Iraq contacted the Security Council and accepted 687. It was wiped out. So I am prepared to argue that. I do not want to do it on my flimsy 1 hour, but I am prepared.

I have heard the Senator from Connecticut—he is not in the Chamber right now, but he will be back. I have heard him and others refer to the so-called relevant resolutions. They have been wiped out. They are gone, and no single member state can revive them. They were extinguished on April 6,

1991, when Iraq signified to the Security Council that it accepted the terms of 687.

Now we can talk about that at a later time. I would love to get into it. I would like to get into a discussion on that, but for now, suffice it to say, what I am saying is this resolution we are talking about would accept as fact certain things that are not facts—this blank check we have been talking about that we are going to turn over to this President of the United States, the power to determine when, where, how, and for how long he will use the military forces of the United States. It is flimsy. That resolution is full of holes. The whereas clauses are full of holes. Now they have been wiped out by unanimous consent so they are no longer ''whereas'' but ''since.'' It is flimsy. Full of holes. Ambiguities. Statements of facts that are not facts. I am ready to debate that at any time.

Mr. DURBIN. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. DURBIN. I hope Members will carefully read this amendment by Senator BYRD. This amendment says two things. One of these things should not even be controversial. It asserts the constitutional authority of this Chamber and the U.S. Congress to declare war. The Senator and I have stood together on this floor.

Mr. BYRD. Here it is, my Constitution.

Mr. DURBIN. I thought you might have your Constitution with you.

The Senator and I have stood on the floor and argued this point. Sometimes we did not fare so well. Keep in mind there was a question at the beginning of this debate about Iraq as to whether or not Congress would be engaged. Some argued that the President had the authority of his father's resolutions.

The second point made by Senator BYRD in this resolution is one I hope you will read carefully because I address part of this in an amendment I will offer later. He establishes a standard by which we would declare war. A standard is stated clearly: A clear threat of imminent, sudden, direct attack upon the United States, its possessions or territories, or the Armed Forces.

I hope Members of the Senate will read that. If that is not a standard by which we will measure whether this Nation will dedicate its Armed Forces and risk the lives of Americans in combat and the lives of innocent victims, I cannot imagine what we are going to debate. To take any other standard is to take the power away from Congress to declare war. This is a constitutional resolution. I applaud the Senator from West Virginia for offering it.

Mr. BYRD. I thank the distinguished Senator. How much time remains?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD. I hope Senators will show an abundance of mercy before the day is over and perhaps give me some more time.

Mr. President, this week the Senate is considering a very important resolution. The language of this resolution has been touted as a bipartisan compromise that addresses the concerns of both the White House and the Democratic leadership in Congress. But the only thing that I see being compromised in this resolution is this Constitution of the United States, which I hold in my hand, and the power that Constitution gives to Congress to declare war. This resolution we are considering is a dangerous step toward a government in which one man at the other end of this avenue holds in his hand the power to use the world's most powerful military force in whatever manner he chooses, whenever he chooses, wherever he chooses, and wherever he perceives a threat against national security.

The Bush administration has announced a new security doctrine that advocates acting preemptively to head off threats to U.S. national security. Much has been said about the diplomatic problem with this doctrine. But we should also recognize that the administration's new approach to war may also pose serious problems for our own constitutional system.

In the proposed use-of-force resolution, the White House lawyers claim ''the President has authority under the Constitution to use force in order to defend the national security interests of the United States.''

It says no such thing. I dare them to go to the Constitution and point out where that Constitution says what they say it said. They cannot do it. I know the job of any good lawyer—I have never been a practicing lawyer, but I know the job of a good lawyer is to craft legal interpretations that are most beneficial to the client. But for the life of me, I cannot find any basis for such a broad, expansive interpretation in the interpretation of the Constitution of the United States. Find it. Show it to me. You can't do it.

Where in the Constitution is it written that the title of Commander in Chief carries with it the power to decide unilaterally whether to commit the resources of the United States to war? Show it to me, lawyers, lawyers of the White House, or lawyers in this body. Show it.

There is a dangerous agenda, believe me, underlying these broad claims by this White House. The President is hoping to secure power under the Constitution that no President has ever claimed before. Never. He wants the power—the Bush administration wants that President to have power to launch this Nation into war without provocation and without clear evidence of an imminent attack on the United States. And we are going to be foolish enough to give it to him. I never thought I would see the day in these 44 years I have been in this body, never did I think I would see the day when we would cede this kind of power to any President. The White House lawyers have redefined the President's power under the Constitution to repel sudden acts against the United States. And he has that power, to repel sudden, unforeseen attacks against the United States, against its possessions, its territories, and its Armed Forces.

But they suggest he could also justify military action whenever there is a high risk of a surprise attack. That Constitution, how they would love to stretch it to give this President that power which he does not have. Those White House lawyers would have us believe that the President has independent authority not only to repel attacks but to prevent them. How silly. You cannot find it in that Constitution.

The White House wants to redefine the President's implied power under the Constitution to repel sudden attacks, suggesting that the realities of the modern world justify preemptive military action whenever there is a high risk of a surprise attack. What in the world are they teaching in law school these days? What are they teaching? I never heard of such as that when I was in law school. Of course I had to go at night. I had to go 10 years to get my law degree. In the national security strategy released last week, a few days ago, the President argued—let me tell you what the President argued—we must adapt the concept of imminent threat to the capabilities of today's adversary. Get that.

Defense Secretary Rumsfeld echoed this sentiment when he told the Senate Armed Services Committee: I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9/11 years.

What a profound statement that was. How profound. Perhaps the Secretary of Defense ought to go back to law school, too. I don't believe he was taught that in law school.

The President does not want to shackle his new doctrine of 20th century ideas of war and security, much less any outdated notion from the 18th century about how this Republic should go to war. The Bush administration thinks the Constitution, with its inefficient separation of powers and its cumbersome checks and balances—they are cumbersome—has become an anachronism in a world of international terrorism and weapons of mass destruction.

They say it is too old. This Constitution, which I hold in my hand, is an anachronism. It is too old. It was all right back in the 19th century. It was all right in the 20th century. But we are living in a new time, a new age. There it is, right up there, inscribed, ''Novus ordo seclorum.'' A new order of the ages. New order of the ages.

This modern President does not have time for old-fashioned political ideas that complicate his job of going after the bad guys single-handedly.

And make no mistake, the resolution we are considering will allow the President to go it alone at every stage of the

process. It will be President Bush, by himself, who defines the national security interests of the United States. It will be President Bush, by himself, who identifies threats to our national security. It will be President Bush, by himself, who decides when those threats justify a bloody and costly war. And it will be President Bush, by himself, who determines what the objectives of such a war should be, and when it should begin and when it should end.

The most dangerous part of this modernized approach to war is the wide latitude the President will have to identify which threats present a ''high risk'' to national security. The administration's National Security Strategy briefly outlines a few common attributes shared by dangerous ''rogue states,'' but the administration is careful not to confine its doctrine to any fixed set of objective criteria for determining when the threat posed by any one of these states is sufficient to warrant preemptive action.

The President's doctrine—and we are about to put our stamp on it, the stamp of this Senate. The President's doctrine, get this, gives him—Him? Who is he? He puts his britches on just the same way I do. He is a man. I respect his office. But look what we are turning over to this man, one man.

The President's doctrine gives him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments.

Even if Senators accept the argument that the United States does not have to wait until it has been attacked before acting to protect its citizens, the President does not have the power to decide when and where such action is justified, especially when his decision is supported only by fear and speculation. The power to make that decision belongs here in Congress. That is where it belongs. That is where this Constitution vests it. The power to make this decision belongs to Congress and Congress alone.

Ultimately, Congress must decide whether the threat posed by Iraq is compelling enough to mobilize this Nation to war. Deciding questions of war is a heavy burden for every Member of Congress. It is the most serious responsibility imposed on us by the Constitution. We should not shrink from our duty to provide authority to the President where action is needed. But just as importantly, we should not shrink from our constitutional duty to decide for ourselves whether launching this Nation into war is an appropriate response to the threats facing our people—those people looking, watching this debate through that electronic lens there. They are the ones who will have to suffer. It is their sons and daughters whose blood will be spilled. Our ultimate duty is not to the President. They say: Give the President the benefit of the doubt. Why, how sickening that idea is. Our ultimate duty is not to the President of the United States. I don't give a darn whether he is a Democrat or Republican or an Independent—whatever. It makes no difference. I don't believe that our ultimate duty is to him. Our ultimate duty is to the people out there who elected us.

Our duty is not to rubber-stamp the language of the President's resolution, but to honor the text of the Constitution. Our duty is not to give the President a blank check to enforce his foreign policy doctrine, but to exercise our legislative power to protect the national security interests of this Republic.

Our constitutional system was designed to prevent the executive from plunging the Nation into war in the name of contrived ideals and political ambitions. The nature of the threats posed by a sudden attack on the United States may have changed dramatically since the time when Constitution was drafted, but the reasons for limiting the war powers of the President have not changed at all. In fact, the concerns of the Framers are even more relevant. Talk about this being old fashioned. The concerns of the Framers are even more relevant to the dangerous global environment in which our military must now operate, because the consequences of unchecked military action may be more severe for our citizens than ever before.

Congress has the sole power under the Constitution to decide whether the threat posed by Iraq is compelling enough to mobilize this nation to war, and no Presidential doctrine can change that. If President Bush wants our foreign policy to include any military action, whether for preemption, containment, or any other objective, he must first convince Congress that such a policy is in the best interest of the American people.

The amendment I am offering reaffirms the obligation of the Congress to decide whether this country should go to war. It makes clear that Congress retains this power, even in the event that we pass this broad language, which I believe gives the President a blank check to initiate war whenever he wants, wherever he wants, and against any perceived enemy he can link to Iraq. My amendment makes clear that the President has the power to respond to the threat of an imminent, sudden, and direct attack by Iraq against the United States, and that any military action that does not serve this purpose must be specifically authorized by the Congress.

Other Senators have said on the floor that the language of this resolution does not give the President a blank check, and they have said that this resolution is narrowly tailored to Iraq. I do not read the resolution that way, but I hope that the President does. I hope the President reads this resolution as a narrowly crafted authorization to deal with Iraq's weapons of mass destruction, and not as an open-ended endorsement of his doctrine of preemptive military action.

We should all hope that the President does not fully exercise his authority under this resolution, and that he does not abuse the imprecise language Congress may ultimately adopt. But I believe that Congress must do more than give the President a blank check and then stand aside and hope for the best. Congress must make clear that this resolution does not affect its constitutional power to declare war under Article I, section 8 of the Constitution; otherwise, this resolution may appear to delegate this important legislative function to the executive

My amendment also clarifies the intent of this resolution is limited to authorizing a military response to the threat of an Iraqi attack upon the United States. Congress must ensure that the broad language of this resolution does not allow the President to use this authority to act outside the boundaries of his constitutional powers. This amendment affirms the constitutional requirement that the President must have congressional authorization before initiating military action for any purpose other than defending the United States against an imminent, sudden, and direct attack. We must not provide the temptation to this President, or any president, to unleash the dogs of war for reasons beyond those anticipated by the Congress.

The power of Congress to declare war is a political check on the President's ability to arbitrarily commit the United States to changing military doctrines, and the evolving nature of war and security threats does not change the language of the Constitution. The President cannot use the uncertainty of terrorist threats to confuse the clearly defined political processes required by the Constitution, and Congress should not rush to endorse a doctrine that will commit untold American resources to unknown military objectives.

The President admits in his National Security Strategy that ''America's constitution has served us well.'' But his actions suggest that he feels this service is no longer needed. Congress should ensure that the Constitution continues to serve our national security interests by preventing the United States from plunging headlong into an ever-growing war in the Middle East. I urge my colleagues to support this amendment in order to preserve the constitutional system of checks and balances that the founders of this republic valued so highly.

Mr. REID. Madam President, I would like to be recognized on a unanimous consent request.

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

Mr. REID. Madam President, based on the conversation I had earlier today, with everybody—Senator BYRD—about what is not in the RECORD, one of the things we did not do is dispose of the other amendments. Reciting from the RECORD, I said we

will dispose—they will offer no other amendments tomorrow.

That is today, speaking for Senator DURBIN, Senator BOXER, and Senator LEVIN. So I ask unanimous consent that their other amendments at the desk be withdrawn from the desk.

Mr. BYRD. What is the request?

Mr. REID. I was reading from the RECORD that the amendments of DURBIN, BOXER, and LEVIN are not going to be offered. They are being withdrawn from the desk.

The PRESIDING OFFICER. Is the Senator asking the amendments be recalled?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Senator DAYTON would also ask his be recalled. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, the amendment is recalled.

The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes 40 seconds.

Mr. MCCAIN. I would like to yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. Madam President, the case that the Senator from West Virginia makes is a good case on the merits of whether or not we should, in fact, delegate this authority, but I am confused by the argument that constitutionally we are unable to delegate that authority.

Historically, the way in which the delegation of the authority under the constitutional separation of powers doctrine functions is there have to be some parameters to the delegation. For example, we could not delegate to the President the authority to pick and confirm any Supreme Court Justice he wanted to confirm.

The essence of the constitutional argument which my friend from West Virginia makes is, I assume, that there are no parameters to this delegation; therefore, the delegation per se is unconstitutional. I assume that is the rationale. But as I read this grant of authority, it is not so broad as to make it unconstitutional for us, under the war clause of the Constitution, to delegate to the President the power to use force if certain conditions exist. My time is about up, but I would argue that in section 4(a), subsections (1) and (2), the conjunctive ''and'' instead of ''or'' exists, which means that as a practical matter in reading this, the only circumstance the President could find, in my view, that the national security was being threatened would be as it relates to the resolutions relating to weapons of mass destruction. But I will speak to that later. I appreciate my friend yielding me the time.

But, again, constitutionally, this resolution meets the test of our ability to delegate. It is not an overly broad delegation which would make it per se unconstitutional, in my view.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, according to the letter of the Byrd amendment, a clear threat of imminent, sudden, and direct attack upon the United States, its possessions or territories, et cetera, clearly would have, would absolutely deprive the President of the United States of what he is seeking today. It would deprive the President of the United States of the authority he has requested to compel Saddam Hussein to disarm, so let's have no doubt about the impact of this amendment.

The President has spoken clearly of the threat Saddam Hussein's regime poses to America and the world today—even though Iraq today clearly does not meet the Byrd amendment's standard of threatening imminent, sudden, and direct attack upon the United States of our Armed Forces. To wait for Saddam Hussein to threaten imminent attack against America would be to acquiesce to his development of nuclear weapons, to ignore his record of aggression against his neighbors, and to disregard his continuing threats to destroy Israel.

Failure now to make the choice to remove Saddam Hussein from power will leave us with choices later, when Saddam's inevitable acquisition of nuclear weapons will make it much more dangerous to defend our friends and interests in the region. It will permit Saddam to control much of the region, and to wield its resources in ways that can only weaken America's position. It will put Israel's very survival at risk, with moral consequences no American can welcome.

Failure to end the danger posed by Saddam Hussein's Iraq makes it more likely that the interaction we believe to have occurred between members of al-Qaida and Saddam's regime may increasingly take the form of active cooperation to target the United States.

We live in a world in which international terrorists continue to this day to plot mass murder in America. Saddam Hussein unquestionably has strong incentives to cooperate with al-Qaida. Whatever they may or may not have in common, their overwhelming hostility to America and rejection of any moral code suggest that collaboration against us would be natural. It is all too imaginable. Whether or not it has yet happened, the odds favor it—and they are not odds the United States can accept.

Standing by while an odious regime with a history of support for terrorism develops weapons whose use by terrorists could literally kill millions of Americans is not a choice. It is an abdication. In this new era, preventive action to target rogue regimes is not only imaginable but necessary.

Who would not have attacked Osama bib Laden's network before September 11th had we realized that his intentions to bring harm to America were matched by the capability to do so? Who would not have heeded Churchill's call to stand up to Adolf Hitler in the 1930's, while Europe slept and appeasement fed the greatest threat to Western civilization the world had ever known? Who would not have supported Israel's bombing of Iraq's nuclear reactor in 1981 had we then known, as Israel knew, that Saddam was on the verge of developing the bomb?

In the new era we entered last September, warning of an attack before it happens is a luxury we cannot expect. Waiting for imminence of attack could be catastrophic. Many fear we will not know of an attack until it happens—and should our enemies use weapons of mass destruction in such an attack, the deaths of thousands or millions of Americans could occur with no warning—as happened last September. In this age, to wait for our enemies to come to us is suicidal.

In 1962, President Kennedy made the point that America cannot wait until we face the threat of open attack without gravely endangering our security. In President Kennedy's words, ''Neither the United States of America, nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril.''

The Byrd amendment would overturn the doctrine announced by the President of the United States to guide his administration's conduct of American national security policy. The Byrd amendment would negate any Congressional resolution authorizing the President to use all means to protect America from the threat posed by Iraq. It would set such a high threshold for the use of military force as to render the Commander in Chief powerless to respond to the clear and present danger Saddam Hussein's regime poses to America and the world.

I urge my colleagues to reject the Byrd amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. MCCAIN. I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, this is one of the confusing aspects of this debate. I find myself supporting this resolution but worried that supporting this resolution will get us into real trouble.

We use Saddam, Hitler, and al-Qaida all in the same verbiage and language. Let me make the real distinction, as I see it, regarding preemption.

If we knew that al-Qaida had particular weapons, knowing, as we did, what their stated objective was, and with the intelligence we had, we would be fully within our rights—not under

any doctrine of preemption—because of the existence of a clear, present, and imminent danger to move against al-Qaida.

Conversely, with Hitler in the 1930s, the rationale for moving against Hitler wasn't a doctrine of preemption because we knew he was a bad guy. It was because his country signed the Treaty of Versailles. He was violating the Treaty of Versailles. The Treaty of Versailles did not have an end date on it. It didn't say you cannot have forces for the first 2 or 3 years, or you cannot do the following things. We were fully within our rights as a world community to go after Hitler in 1934, 1935, 1936, or 1937. It was not based on the doctrine of preemption but a doctrine of enforcement of the Treaty of Versailles, and in a very limited time.

What we have here, I argue, as the rationale for going after Saddam, is that he signed a cease-fire agreement. The condition for his continuing in power was the elimination of his weapons of mass destruction, and the permission to have inspectors in to make sure he had eliminated them. He expelled those inspectors. So he violated the cease-fire; ergo, we have authority—not under a doctrine of preemption. This will not be a preemptive strike, if we go with the rest of the world. It will be an enforcement strike.

I hope we don't walk out of here with my voting for this final document and somebody 6 months from now or 6 years from now will say we have the right now to establish this new doctrine of preemption and go wherever we want anytime.

The part on which I do empathize with my friend from West Virginia is this is not a very clearly written piece of work. That is why I think Senator LUGAR and myself and others had a better way of doing this. But it does incorporate with the President's words the notion that we are operating relative to weapons of mass destruction and U.S. security interests and enforcement—not preemption.

I conclude by saying that the President started his speech explaining the reason why he wanted his resolution on Monday. I guess it was Monday. And he said at the very outset that this is based upon enforcing what was committed to in dealing with weapons of mass destruction.

I know my time is up. I will speak to this more later.

I am opposed to the Byrd amendment, but I hope we don't establish some totally new doctrine in our opposition to it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER. Three and one-half minutes.

Mr. MCCAIN. Madam President, I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Arizona. I appreciate what the Senator from Delaware just said. I think it makes a lot of sense.

I have many concerns about this amendment, but two stick out to me as I read it. My concern is that, under this rationale, if we were told we had good intelligence and we were convinced that within, let us say, 6 months we were going to be attacked, it would still not fit the definition of imminent and sudden.

As I read it, the threat must be an imminent, sudden, and direct attack upon the United States. A sudden attack of 6 months would not qualify. It might be imminent, but it certainly wouldn't be sudden. I don't think we can afford that luxury.

Second, our allies are totally excluded. Do we want to announce to the world that there must be only an imminent, sudden, direct attack upon the United States, its possessions, territories, and our Armed Forces, leaving our allies in that particular part of the world totally undefended by the United States? I don't think that is a message we want to send.

I respectfully oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, in summary, this amendment regarding the preservation of Congress's constitutional authority is unnecessary. A portion of the amendment that would limit the authority of the President to wage war is arguably unconstitutional. The Congress can declare war, but it cannot dictate to the President how to wage war. No law passed by Congress could alter the constitutional separation of powers.

I urge my colleagues to defeat this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4868.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 14, nays 86, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—14

Boxer	Inouye	Murray
Byrd	Jeffords	Sarbanes
Dayton	Kennedy	Specter
Durbin	Leahy	Wellstone
Feingold	Mikulski	

NAYS—86

Akaka	Bond	Carper
Allard	Breaux	Chafee
Allen	Brownback	Cleland
Baucus	Bunning	Clinton
Bayh	Burns	Cochran
Bennett	Campbell	Collins
Biden	Cantwell	Conrad
Bingaman	Carnahan	Corzine
Craig	Hollings	Reed
Crapo	Hutchinson	Reid
Daschle	Hutchison	Roberts
DeWine	Inhofe	Rockefeller
Dodd	Johnson	Santorum
Domenici	Kerry	Schumer
Dorgan	Kohl	Sessions
Edwards	Kyl	Shelby
Ensign	Landrieu	Smith (NH)
Enzi	Levin	Smith (OR)
Feinstein	Lieberman	Snowe
Fitzgerald	Lincoln	Stabenow
Frist	Lott	Stevens
Graham	Lugar	Thomas
Gramm	McCain	Thompson
Grassley	McConnell	Thurmond
Gregg	Miller	Torricelli
Hagel	Murkowski	Voinovich
Harkin	Nelson (FL)	Warner
Hatch	Nelson (NE)	Wyden
Helms	Nickles	

The amendment (No. 4868) was rejected.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is the intention of the Senate now to proceed to the Levin amendment No. 4862, with 50 minutes for the Senator from Michigan, 15 minutes for the Senator from Delaware, 15 minutes for the Senator from Arizona, Mr. MCCAIN, and 15 minutes for the Senator from Virginia. It is the intention of the Senator from Virginia to see that time is given to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

We are now awaiting the opening statement of our distinguished chairman of the Armed Services Committee. I advise Senators that at the completion of that time, it is the intention of the Senator from Virginia to move to table the amendment.

Mr. LEVIN. I wonder if the Senator will withhold for a moment.

AMENDMENT NO. 4862

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider amendment No. 4862, the Levin amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Mr. President, in consultation with my colleagues, I withdraw the comment at this time of the desire of the Senator from Virginia to table.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the short title of our amendment is ''The Multilateral Use of Force Authorization Act of 2002.'' The very title of this alternative to the Lieberman-Warner amendment establishes both its similarity and its difference from the Lieberman amendment.

It is similar because both of our approaches authorize the use of U.S.

Armed Forces. It is different because our resolution authorizes the use of force multilaterally pursuant to a U.N. resolution that the President has asked the Security Council to adopt for the purpose of destroying Saddam Hussein's weapons of mass destruction and prohibited missile delivery systems.

Our resolution also supports the President's call and urges the United Nations Security Council to promptly adopt a resolution that demands Iraq to provide unconditional access, unconditional destruction of all weapons of mass destruction and, in the same resolution, authorize U.N. member states to use military force to enforce that resolution.

Our resolution also affirms that the United States has at all times the inherent right to use military force in self-defense. There is no veto given the United Nations in this resolution of ours. Quite the opposite. We explicitly make it clear we maintain, of course, a right to use self-defense. And we provide that the Congress will not adjourn sine die this year, but will return to session to consider promptly proposals relative to Iraq if, in the judgment of the President, the United Nations fails to adopt or enforce the United Nations resolution for which he and we call.

The Lieberman resolution, like ours, authorizes the use of U.S. military force to enforce the Security Council resolution that is being sought by the President, as well as in the case of the Lieberman resolution, as well as earlier U.N. resolutions. But the Lieberman resolution also would authorize the use of force on a unilateral basis, not requiring that there be an imminent threat, which is essential to using force in self-defense preemptively under international law, but a lower threshold called a continuing threat.

That would be a departure from the requirement in international law that the use of force in self-defense be for imminent threats. That can have significant negative consequences for the world. If other nations adopt that precedent, if India and Pakistan adopt that precedent, two nuclear-armed nations, they can find continuing threats against each other, not imminent, just continuing threats and, using our precedent, if we adopt the Lieberman resolution, say: That is the new standard in international law; it does not have to be an imminent threat; we can preemptively attack a neighbor and anybody else if, in our judgment, it is a continuing threat.

If China decided that Taiwan, which it labels a renegade province, is a threat to its security, then under this precedent it can attack Taiwan under the approach that ''imminent'' is no longer a requirement.

Acting multilaterally—multilaterally—as our alternative resolution does—in other words, with the backing of the United Nations—has a number of advantages. It will garner the most support from other nations and avoid the negative consequences of being deprived of airbases, supply bases, overflight rights, and command-and-control facilities that are needed for military action.

Saudi Arabia has already said explicitly: If you do not get a U.N. resolution, you cannot use our military bases. And other nations have said the same. If they are going to be involved with us in using force against Iraq, they want the authority of a U.N. resolution to do it.

Our resolution has a better chance of success in persuading Saddam Hussein to comply, to capitulate, to cooperate finally with the U.N. weapons inspectors and to disarm because it will have the world community looking at the other end of the barrel down at him.

Our multilateral resolution reduces the chances of losing support from other nations in the war on terrorism, and we need law enforcement, intelligence, and financial cooperation from other nations.

Our multilateral approach reduces the potential for instability in an already volatile region, and that instability can undermine Jordan, Pakistan, and possibly even end up with a radical regime in Pakistan, a nuclear weapon nation.

Our multilateral approach reduces the likelihood of Saddam Hussein or his military commanders using biological or chemical weapons against our forces, as he will be looking, again, down the barrel of a gun with the world at the other end rather than only at the United States.

Both General Shalikashvili and General Clark testified in front of our committee that there is a significant advantage to our troops by going multilaterally in terms of the likely response of Saddam Hussein to a unilateral attack by the United States and the likelier use of weapons of mass destruction by him in response to a unilateral attack.

Our multilateral approach will increase the number of nations that will be willing to participate in the fighting. It will increase the number of nations that will be willing to participate in the long and costly effort in a post-Saddam Iraq, and we would be avoiding setting that precedent of using force preemptively without an imminent threat.

Mr. President, if we are serious about going to the U.N., as the President has said he is, we must focus our efforts there. We should not send an inconsistent message. We should not take the U.N. off the hook. We should not say: We really are interested in the U.N. acting, adopting a resolution, requiring an unconditional opening by Saddam, requiring the destruction of his weapons of mass destruction.

We are saying we really mean that; that is the kind of resolution we want. We are saying that. We also want that resolution to authorize member states to use military force to enforce it. That is what we are saying on the one hand, but if the Lieberman resolution passes, then we will be sending the exact opposite message: If you do not, we will anyway.

That takes the U.N. off the hook. That blurs the focus that we should be placing on the importance of multilateral action authorized by the United Nations.

I believe that Saddam Hussein must be forced to disarm. I think it is going to take force, or the threat of force, to get him to comply.

It seems to me there is a huge advantage if that force is multilateral, and going it alone is a very different calculus with very different risks.

If we fail at the U.N., then under our resolution, the President can come back at any time he determines that the U.N. is not acting to either adopt or enforce its resolution. He can then come back here under our resolution, call us back into session, and then urge us to authorize a going-it-alone, unilateral resolution.

I thank the Chair, and I yield 8 minutes to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to speak on the two resolutions that the Senator from Michigan has talked about in his comments because there are two resolutions before the Senate, both of which authorize the President to use force, if necessary, against Iraq.

Before I discuss those, let me just say a few words about the war on terrorism which has engaged the attention of this entire Nation during the last 13 months.

Before I discuss those, I congratulate the President on the way he was able to bring our country together after the attack of September 11 of last year. In cooperation with the President, Congress put aside other matters, put aside partisan issues, and acted quickly to appropriate necessary funds and to enact important legislation to help safeguard our country and its citizens. I think all of us in Congress joined in meeting this challenge, and I am proud we were able to do so.

The President has come to us again, and this time he has focused attention on another threat—that is, the threat that Saddam Hussein, the leader of Iraq, will use weapons of mass destruction against us or our allies or that he will provide such weapons to terrorists for them to use.

The President has indicated his belief that regime change in Iraq is needed to deal with this threat, but he makes the point that at this time he has not made a decision about whether or when to commence any military action.

The United Nations, for many years, has agreed with our country's view that Saddam Hussein should not be permitted to possess weapons of mass destruction. An inspection regime was established by the United Nations in April of 1991, and inspections by UNSCOM continued until August of 1998 to ensure that weapons were not being developed or maintained.

I11In December of 1998, Iraq expelled those weapons inspectors, and since that time it is widely believed the likelihood of such weapons being developed in Iraq has increased.

So in response to this threat, the President has urged Congress to adopt a broadly worded resolution that authorizes him at any time in the future:

To use the Armed Forces of the United States as he determines to be necessary and appropriate, in order to defend the national security of the United States against the continuing threat posed by Iraq; and enforce the United Nations Security Council resolutions regarding Iraq.

Senator LEVIN, who is chairman of the Armed Services Committee, with whom I have been privileged to serve for the last 20 years, has urged us to adopt a different resolution that grants the President the authority to use military power, but Senator LEVIN's proposed resolution differs from the broad grant of authority the President has requested in two very significant ways.

First, it authorizes the use of force at this time only pursuant to a resolution of the U.N. Security Council. In this way, we would be ensuring our actions to eliminate Iraq's weapons of mass destruction continue to be taken in coordination with our allies.

Second, the Levin resolution authorizes the use of:

The Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistic missiles with a range greater than 150 kilometers, and related facilities, if Iraq fails to comply with the terms of the Security Council resolution.

There is a specific objective we are saying the President is authorized to use military force to accomplish.

The Levin resolution does not authorize unilateral action at this time to accomplish so-called regime change. Rather, it would leave open the option for the President to come back to seek and obtain that authority from Congress if and when he determines that military action against Iraq is required, even without U.N. sanction.

I strongly support giving the President authority to work with our allies in the United Nations, to inspect for, locate, and destroy weapons of mass destruction in Iraq. It may well prove necessary to use military force to accomplish that objective. In my view, the Levin resolution grants the President that authority. Unless that effort, which is already underway, fails, I believe it would be wrong for us to grant authority to the President to use U.S. Armed Forces in what is essentially a unilateral action to achieve goals that are, at best, vague and broad.

The President has made clear that in his view our goal should be regime change. The argument is Saddam Hussein has shown such a proclivity to lie, cheat, and evade that anything short of regime change will leave us vulnerable to a future attack by Iraq.

Depending on the success of our current efforts to reinstitute an inspection regime, the American people and our allies may well conclude the President is correct. We may have to conclude that finding and destroying weapons of mass destruction in Iraq cannot be achieved as long as Saddam Hussein is in power, and if that is the necessary conclusion we reach, then a major military action will likely be required, with all the casualties and consequences such an action entails.

Our allies have not reached that conclusion yet. They believe a new inspection regime can be made to work and that the threat can be dealt with short of going to war. At least they believe it is worthwhile for us to make that final effort.

The President's proposed resolution authorizes him:

To use the Armed Forces of the United States as he determines to be necessary and appropriate.

This is, in my view, a virtually open-ended grant of authority. It is not a proper action for Congress to take at this time. I do not believe it is wise at this point to be authorizing war without the support of the United Nations and our allies. If war must be waged, other countries should be there with us, sharing the costs, both the financial and human costs, and helping restore stability in what will almost certainly be the tumultuous aftermath of that military action.

I also do not favor an authorization for war unless and until the President is prepared to advise Congress that war is necessary, and he has explicitly said he is not prepared to advise us of that at this time.

For all these reasons, I will support the resolution put forth by Senator LEVIN and not support the much broader grant of authority urged by the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, will my colleague yield for a question on my time and a response on his time? In other words, I will ask the question on the time allocated to me and the Senator can respond on the time allocated to him.

Mr. LEVIN. I am afraid my time is allocated totally, unless it can be a brief answer. I would be happy to answer briefly.

Mr. WARNER. Then I am going to have to narrow our ability to enter into a colloquy, which you and I have done so many times.

I will ask one question: As I read this amendment, I find it could be interpreted as precluding the ability to enforce the existing resolutions, namely 688, the no-fly zone. If the Senator wants a few minutes to study and reflect on that, I would like to have the Senator think this through. That is one very serious shortcoming. In other words, for 11 years we have been enforcing the no-fly zone, but as I read this, it could be construed as stopping that. I make that point.

Mr. LEVIN. I would be happy to answer that. It would be misconstrued if it were interpreted that way. This does not preclude the President from doing anything. This is an authorization. It is not a prohibition. It is an authorization to the President to use force. It does not preclude the President. It does not say the President may not use force. It says the President is authorized to use force. So there is no prohibition; there is no negative.

The President has sought our authority. This resolution would give the President that authority.

Mr. WARNER. I draw my colleague's attention to the fact it would require the United States to wait for the U.N. Security Council to act on a resolution before the President could take action to protect our national security interests.

Mr. LEVIN. Which is the WMD issue. It is only the WMD issue that is referred to.

Mr. WARNER. I will have to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. I yield 5 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Virginia for yielding me the time.

Mr. SARBANES. Parliamentary inquiry: Will the Chair inform us what the time allocations are and how much time is remaining.

The PRESIDING OFFICER. Senator LEVIN began with 50 minutes and has 33 minutes remaining. Senator BIDEN has 15 minutes, Senator MCCAIN has 15 minutes, and Senator WARNER has used 2 of his 15 minutes.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my friend, the Senator from Michigan. It seems to me, as I look at this amendment, that the difference we have—those of us who have sponsored the underlying resolution, and the Senator from Michigan and others sponsoring the amendment—is over tactics, not objectives. Perhaps we should acknowledge one to the other. We each have the objective, I believe, to compel Saddam Hussein to comply with the various U.N. Security Council resolutions, and in that sense, particularly, to disarm.

I suggest to my friend from Michigan, noting how he continues to refer to his amendment as the multilateral approach, that those who sponsored the underlying resolution consider ours to be a multilateral international approach as well. We believe our willingness not only to accept and urge and encourage the President to go to the United Nations and hope the United Nations will authorize use of force if

Saddam Hussein does not comply with their resolutions but our willingness after that fact to say if that does not happen, the President has the right to utilize America's Armed Forces for that purpose, is probably the better way to achieve an international action against Iraq under Saddam Hussein. To show our willingness, our seriousness to use military force to lead an international coalition ourselves is the better way to convince the United Nations to take action on its own and therefore to have an international act.

There is a disagreement about tactics. The disagreement is whether we should do all this in one resolution, as we have, or, as the Senator from Michigan proposes in the amendment, to have two steps: First, go to the United Nations, only allow enforcement, particularly of the resolutions concerning Iraq's weapons of mass destruction, to be done by the United States with the permission of the United Nations. If that does not work, the President must come back for a separate resolution.

Last night in a colloquy with the Senator from Michigan, I suggested that his resolution does in fact give the Security Council a veto over the President's determination, the President's capacity, to use the American military to enforce certainly those resolutions having to do with weapons of mass destruction and ballistic missiles and related facilities.

It seems to me, notwithstanding the fact that the Senator's amendment affirms the President's inherent right to use military force in self-defense, section 4(a) also makes clear the President of the United States can only do that if he wants to take action to destroy or remove or render harmless Iraq's weapons of mass destruction, nuclear weapons, fissile material, ballistics, et cetera, pursuant to a resolution of the U.N. Security Council.

That means any member of the Security Council—Russia, China, France, any temporary member—can veto action by the United States, by the Commander in Chief. I don't want that to happen.

The question is, Why assume, if the United Nations does not take action, the United States will have to go it alone? Having gone to the United Nations, having made our case, the fact is if military action is necessary, the United States will never have to go alone. We will have allies in Europe, allies in the Middle East, who see our seriousness of purpose, who share in our desire to protect themselves and the world from Saddam Hussein, who will come to our side. We will have what we called in the case of Kosovo a coalition of the willing.

The Kosovo case is instructive on several points raised in this debate. There was no United Nations resolution authorizing the United States to deploy forces in the case of Kosovo because everyone, including the Clinton administration, the President, determined we would possibly be subject to a Russian veto at the Security Council. The President was unwilling to accept that. There was no congressional resolution then organizing the deployment of our forces because there was controversy about that. There was clearly no imminent threat of a sudden direct attack against the United States, as in other amendments that have been before the Senate, because this was happening in the Balkans. But the President of the United States, President Clinton, clearly understood what was happening there was wrong. He wanted to take action not only to stop the genocide and prevent a wider war in Europe but in the most distant threat, to prevent a potential threat to the security of the United States, so he formed a coalition of willing nations.

Here the threat from Iraq under Saddam Hussein is much more imminent to the United States. So to subject our capacity to defend ourselves against that threat to a veto by the United Nations Security Council is inappropriate and wrong.

Again, I state a great phrase from the Bible: If the sound of the trumpet is uncertain, who will follow into battle?

If we sound a certain trumpet with this resolution, which this amendment would make uncertain, then many other nations will follow us into battle.

I oppose the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will take a few minutes under my time and give to this Chamber two quotations that frame the entire debate. The first quotation is from 40 years ago. It was the President of the United States, John F. Kennedy, in 1962:

> 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 form, 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.

This is precisely what this amendment does. It is a total substitute for the work that has been done by the Senator from Connecticut, working with others, the leadership on both sides of the aisle, and the President's staff. That would all come down, and in its place would be this resolution which has provisions that could be interpreted as a veto, questions the authority of the President, and puts too much reliance that the United Nations is going to devise a resolution which would meet the criteria that our President and other nations deem essential for a new inspection regime.

That was a quote by President Kennedy.

Now, 40 years forward, a second quote:

> This resolution gives the President the authority he needs to confront the threat posed by Iraq. It is fundamentally different and a better resolution than the one the President sent to us. It is neither a Democratic resolution nor a Republican resolution. It is now a statement of American resolve and values.

Continuing:

> For me, the deciding factor is my belief that a united Congress will help the President unite the world, and by uniting the world we can increase the world's chances of succeeding in this effort and reduce both the risks and the cost.

That quote was made just over 40 minutes ago by the distinguished majority leader of the Senate.

The House of Representatives debated language identical in both Chambers. To achieve that united Congress, we must maintain the integrity of the amendment that is presently pending. That is the amendment by Senator LIEBERMAN and myself, Senator MCCAIN, and Senator BAYH.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 8 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank Senator CARL LEVIN for his amendment. I thank the State of Michigan for sending Senator LEVIN to the Senate. His independence, his courage, his clear thinking, his love of country are evident in the work he has put behind this important amendment. I believe his answer to Iraq's challenge is, indeed, the right course for this country.

To me, the issue of Iraq should be approached in the following way. Iraq must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction. Let me repeat that: Iraq must be held to its word that it will submit to thorough inspections and dismantlement of weapons of mass destruction.

The United Nations should pass an updated resolution ensuring unfettered inspections and disarmament, and that should take place or there will be dire consequences for Iraq. The weapons they have are a threat to the world. The world must respond. If we handle this matter correctly, the way Senator LEVIN is suggesting, I believe the world will respond. If we handle it wrong—and I think the underlying resolution is the wrong approach—if our allies believe we have not made the case, they believe somehow this is a grudge match, or if they believe they are being manipulated for domestic political reasons, that is going to hurt our Nation and that is going to isolate us.

Indeed, this rush to pass unilateral authority—I have never seen anything quite like what has happened in the Senate. The rush to pass unilateral authority, the rush to say to the President, go it alone, don't worry about anybody else, is hurting this debate, and this debate looks political. It looks political.

If there are those in the administration who believe this debate could hurt Democrats, they may be surprised. Democrats do not walk in lockstep. We are independent thinking. I believe the people want that.

Remember, this administration started out thumbing its nose at the

Constitution and the role of Congress in terms of war and peace. This administration did not want to bring the debate on this war to Congress. We have many quotes I have already put in the RECORD on that subject. They did not want the President to go to the United Nations. Indeed, they said he did not have to go there; he did not have to come here; he did not have to do anything. Also, as the Presiding Officer knows, they wanted a resolution that gave the authority far beyond Iraq. They wanted to give the President authority to go anywhere in the world.

Now that idea is gone from the underlying Lieberman resolution. So checks and balances do work. I think what we ought to do is continue those checks and balances by passing the Levin amendment.

The Levin amendment puts America front and center in a way that will win over the civilized world. This is what it does.

No. 1, it urges the U.N. Security Council to quickly adopt a resolution for inspections of Iraq's weapons of mass destruction and the dismantlement of those weapons.

No. 2, this new U.N. Security Council resolution urges that we will back up the resolution with the use of force, including the United States. And the President gets that authority in Senator LEVIN's resolution.

No. 3, it reaffirms that, under international law and the United Nations Charter, the United States has the inherent right to self-defense. So anybody who says, my God, we are giving everything over to the U.N., has not read the resolution.

Last, it states the Congress will not adjourn sine die so that in a moment's notice we can return if the President believes we need to go it alone.

Some have said that the Levin amendment, again, gives veto power to the U.N. Security Council. That is not true. Again, under the Levin amendment, if the President cannot secure a new U.N. resolution that will ensure disarmament of Iraq, he can come back, he can lay out the case and answer the questions that have not been answered.

I have looked back through history. I never have seen a situation where the President of the United States asked for the ability to go to war alone and yet has not told the American people what that would mean. How many troops would be involved? How many casualties might there be? Would the U.S. have to foot the entire cost of using force against Iraq? If not, which nations are ready to provide financial support? Troop support? What will the cost be to rebuild Iraq? How long would our troops have to stay there? What if our troops become a target for terrorists?

We have seen in Kuwait, a very secure place for our people; we have had terrorist incidents already against our young people there.

Will weapons of mass destruction be launched against our troops? Against Israel? If you read the CIA declassified report—declassified report—they are telling us that the chance that he will use them is greater if he feels his back is up against the wall. Everybody knows the underlying resolution implies regime change. It implies regime change. What I think is important about the Levin resolution is that it goes to the heart, the core of the matter, which is dismantlement of the weapons of mass destruction.

If Saddam knows his back is against the wall, he will use these.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mrs. BOXER. I thank the President.

So let's be careful. Why not take the conservative approach, the two-step approach of the Levin resolution, when it comes to the life and death of our people? There are more questions that have not been answered, and I have put them in the RECORD. Yet the President wants the authority to go it alone and he has not answered even one of those questions to Members of this Senate, let alone to the American people.

I cannot vote for a blank check for unilateral action. I cannot vote for a go-it-alone approach before any of these fundamental questions have been answered. Twice in the past 4 years I voted to use force: once against Milosevic, once after September 11. So it is not that this Senator will never vote for force, but in this case, when the President is proposing to go it alone, I think we have the right on behalf of the people we represent to have the questions answered.

In closing, the Levin resolution gives us that two-step approach. It says to this President: If you want to go as part of a world force and make sure that we get the dismantlement of these weapons, we give you the authority and the blessing. If not, come back and ask us and we will debate then and we will vote then. I hope we will vote for the Levin resolution.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. I understand I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, at the outset, let me state that I agree with the distinguished Chairman of the Armed Services Committee: U.S. policy would be stronger if we received the unequivocal support of the United Nations Security Council. Of that, there is no doubt.

But that does not mean that our country must delegate our national security decisionmaking to the United Nations. It is neither morally necessary nor wise to give the U.N. Security Council veto power over our security.

I am a supporter of the United Nations. I have supported efforts to pay U.S. arrears to the organization. The U.N. does many good deeds around the world.

However, we should not kid ourselves: the Security Council is not a repository of moral goodness. It is not some supranational authority on international law, world peace or transnational justice. It is a collection of nation-states, each of whom makes decisions based on their national interests. Five nations have veto power. Ten more can vote up or down, or abstain on a given matter. Individual states may cloak their decisions in grand rhetoric of global interest, but they are driven by cool calculations of self-interest.

As my friend from Michigan knows, the atmosphere before a Security Council vote often resembles a Middle Eastern bazaar more than it does a somber courtroom. Deals are cut, resolutions are watered down, and statements are made based on the national interests of the five permanent Security Council members. That is as it should be, but we should not fool ourselves that there is some innate moral authority once 15 nations negotiate a deal.

Russia is engaged in vicious human rights abuses in Chechnya. Russia continues to undermine the sovereignty of the Republic of Georgia. Russia is owed billions of dollars from its ill-advised arms deals with Saddam Hussein's Iraq. Russia has long advocated easing and even lifting of sanctions against Iraq. Russia abstained on U.N. Security Council Resolution 1284 in December 1999, creating the current weapons inspections regime in Iraq—apparently because it believed the regime was too tough.

China also abstained from supporting U.N. Security Council Resolution 1284. China has good reason to be concerned about international opinion. China has engaged in serious proliferation activities. China severely represses its own people. Gaining the diplomatic acquiescence of the People's Republic of China may be desirable but it does not add any moral stature to our position.

And then there is France. France has armed Saddam Hussein for years. French President Chirac was Prime Minister when France sold a nuclear reactor to Iraq. In the words of the former head of Iraq's nuclear program, Khidhir Hamza, Saddam ''knew Chirac would eat old tires from the Tigris if it got him our nuclear deal, worth hundreds of millions of dollars, along with the prospect of cheap oil.''

For years, French businessmen have been regular visitors to Baghdad, seeking commercial advantage despite U.N. sanctions. No one in this body should be under any illusions about French motivations.

If President Bush and his team can gain French, Chinese and Russian support for a strong U.N. Security Council resolution, I applaud them. Recent signs are promising. Their support will help in the political and diplomatic realms. But their support will not make our case more just, or more right.

In fact, the U.S. position in making progress at the U.N. precisely because of our determination. If this body were to pass the Levin amendment, we would set our cause back in New York. We would send a signal of indecision that would embolden those who oppose a tough resolution. They would see that the U.S. Senate is deferring judgment to them, virtually inviting them to harden their opposition to the U.S. position.

Let me address some real concerns I have about the amendment offered by my distinguished colleague. It urges the U.N. Security Council to adopt a particular resolution—one limited solely to inspectors' access to Iraq's weapons of mass destruction programs. I don't think we should try to put the U.S. Senate in the role of drafting the parameters of U.N. Security Council resolutions. Such a unilateral position by one legislative body in one U.N. member state seems a little bit out of keeping with his oft-stated desire for multilateralism.

The U.N. Security Council resolution urged by the Levin amendment is silent on the real issues facing the U.S. government in New York right now. Does the amendment accept or reject the U.N. Secretary General's 1998 deal with Saddam Hussein to leave huge swaths of Iraqi territory under separate rules? Does the amendment take a position on the need to interview Iraqi scientists outside of Saddam's control—and with their families so the regime cannot hold them hostage?

The Levin amendment is silent about many issues raised in U.N. Security Council resolutions—issues that the U.N. Security Council may see fit to address in the future as they have in the past: support for terrorism; threatening conventional military moves against Kuwait, and protection of the Iraqi people from Saddam's tyranny. Each of these has been addressed by U.N. Security Council resolutions in the past. Each of these has been addressed by the United States in the past. Why are they ignored in the Levin amendment.

Even more troubling is the narrow authorization for the use of force in the Levin amendment. Right now, American and British pilots are risking their lives enforcing the northern and southern no fly zones in Iraq. They are being shot at. They are defending themselves by attacking Iraqi radar and SAM sites that target them. These zones were erected to prevent Saddam from continuing to slaughter the Iraqi people—not to engage in search and destroy mission for weapons of mass destruction. They are authorized by U.N. Security Council Resolution 688, passed on April 5, 1991. By omitting any reference to the ongoing Operation Northern Watch and Operation Southern Watch, one could construe the Levin amendment to not authorizing no fly zone enforcement. I am sure that is not its intent, but it could be its effect.

The same is true of U.N. Security Council Resolution 949, passed on October 15, 1994, which prohibits Saddam from reinforcing his conventional forces in southern Iraq. This resolution was necessitated by Saddam's massing of thousands of troops—including at least two Republican Guard divisions—near the Iraq-Kuwait border. By limiting the authorization to only weapons of mass destruction, the Levin amendment's silence on the conventional threat to Kuwait could send the wrong signal to Iraq and undermine existing U.N. Security Council resolutions. Again, I am sure that is not its intent but it may be the effect.

Finally, there is the issue of what to do if the U.N. Security Council does not act. It may be, at the end of the day, that the individual nations making decisions in the U.N. Security Council do not agree with the compelling case that President Bush has laid out. It may be that they will decide that U.N. Security Council resolutions are not to be enforced, that the worst violator of U.N. Security Council resolutions should not be confronted. It may be that other nations choose to appease, accommodate, or ignore the clear and present danger posed by Iraq. Under the Levin amendment, what is the United States to do if the U.N. proves to be as unable to deal with Iraq as it was to deal with genocide in Rwanda and mass murder in Bosnia committed under the nose of U.N. peacekeepers?

Under the Levin amendment, Congress would reconvene to ''consider promptly proposals relative to Iraq if in the judgment of the President, the U.N. Security Council fails to adopt or enforce the resolution'' called for in the amendment. It is not sufficient to claim the Levin amendment affirms the U.S. right of self-defense and, therefore, there is not U.N. veto. If the U.N. vetoes action on Iraq, Congress will come back to ''consider proposals.'' Why? Why should we not decide now about the issue? Why should we wait and see?

Does the Senator believe the administration is pursuing the wrong resolution in New York? If he does, he should say so. Does the Senator believe the administration is not seriously committed to pursuing a resolution? If he does he should say so. But if he believes the U.S. is seriously pursuing a serious resolution in New York, there is no need for this amendment. Unless he wants to grant bargaining power to those who oppose the U.S. position in the U.N. or unless he disagrees with the U.S. position, there is not need for his amendment. The diplomatic process will continue. We may succeed. We may fail. But I believe we have enough information to act now. I believe we do not need to wait for the U.N. to act. I believe that even if the U.N. does not act, America should—as we did in Kosovo in 1999.

The case of NATO's preventive attack in Kosovo is instructive. I supported the NATO intervention. It was an intervention designed to stop ethnic cleansing and mass murder by a government against its own people. Milosevic had no weapons of mass destruction. The threat he posed was to citizens in his country, not his neighbors. In Kosovo, the U.N. Security Council could not pass a resolution because of Russian opposition. Yet NATO, under U.S. leadership acted. Indeed, in 1998, Senator LEVIN noted with approval the Administration's position ''that the Security Council's authorization was desirable but not required for NATO action to intervene in Kosovo.'' Remarks on the Senate floor, July 8, 1998. This was 8 months before hostilities began. This was before any serious effort had been made at the U.N. This was before any veto was cast. It seems to me that if my distinguished colleague from Michigan could reach that kind of judgment that far in advance concerning the use of force against a far less threatening adversary, he should be able to do the same today.

In summary, the Levin amendment sends the wrong signal at the wrong time. It could give a green light to Saddam to repress his own people or use conventional forces to Kuwait while giving a red light to our diplomatic efforts at the U.N. This body should allow the executive branch the leeway to conduct diplomacy at the U.N.—not try to micromange it from the Senate floor. I urge the rejection of the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Michigan.

Mr. LEVIN. Madam President, I will yield myself 30 seconds to, first of all, assure my good friend from Arizona that my amendment means what it says, that we reserve the right of self-defense at all times. There is no ceding of our security policy to the United Nations. We are very explicit on that.

If I could also point out to my friend from Arizona, back in the gulf war time—and I will yield myself 30 additional seconds—the exact authorization in the gulf war was: The President is authorized, subject to such and such section, to use the Armed Forces of the United States pursuant to United Nations Security Council resolutions.

And my friend from Arizona said at that time: I think we should get approval from the United Nations to use force, if necessary. And we should then, and if it could be done shortly, get approval from Congress to use force, if necessary.

I am not suggesting—I am not suggesting—nor did I suggest then that the Senator from Arizona was ceding the policy of the United States to the United Nations just because he wanted to go to the United Nations first before we voted to get authority from the United Nations. I never suggested that because it was not true. He would never cede authority over our security policy to the United Nations, nor would I, nor would any Member of this

body, nor does the resolution on which we are going to vote.

I yield 3 minutes to our friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I commend again the able Senator from Michigan for this proposal that he has before us. The strength of the proposal, and the care with which it has been crafted, is made manifest by the tortured argument of the Senators from Connecticut and Arizona against his resolution. They are in a convoluted posture to try to misinterpret this in order to try to make an argument against it. It is just incredible what has happened. We need some intellectual integrity here as we deal with this issue.

Let me ask the Senator from Michigan if he would answer a question or two.

The Senator from Connecticut said earlier that you were precluding the use of military force to exercise our inherent right of self-defense because we would have to have a United Nations resolution before, as I understand—before—we could exercise such force.

I read in your resolution a specific affirmation under international law of our inherent right to use military force; is that right?

Mr. LEVIN. The Senator is correct. It specifically ''affirms that . . . the United States has at all times the inherent right to use military force in self-defense.'' It explicitly preserves that right.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. SARBANES. On your time.

Mr. LIEBERMAN. Is there time remaining, I ask the Senator from Arizona—the Senator from Virginia?

Mr. WARNER. Yes. Madam President, may I inquire as to the remaining time of the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes remaining.

Mr. WARNER. Three minutes. And for the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 ½ minutes.

Mr. BIDEN. Parliamentary inquiry, Madam President: How much time is under my control?

The PRESIDING OFFICER. Fifteen minutes.

Mr. BIDEN. Madam President, I would be happy to yield time for the Senator to respond.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Senator from Delaware very much.

I want to ask my friend from Michigan or my friend from Maryland to explain how you relate two parts of the Levin amendment. One, yes, does say you affirm the right of the U.S. to self-defense, but then, two sections lower, it seems to me, you cut a very big exception, and you say ''pursuant.'' And because you say ''pursuant,'' I assume it means only pursuant to a U.N. Security Council resolution can the President authorize the use of ''the Armed Forces of the United States to destroy, remove, or render harmless Iraq's weapons of mass destruction, nuclear weapons-usable material, ballistics missiles . . . and related facilities. . . .''

So it is one thing to affirm the general right of self-defense, but then the amendment takes it away with regard to what we all acknowledge is the most serious threat that Iraq constitutes to the U.S., which is weapons of mass destruction.

Mr. SARBANES. The Senator did this last night, and he is doing it again today. He has inserted into the authorization to use force pursuant to a U.N. resolution the word ''only.'' The word ''only'' is not there. These are two separate sections. One provides an authority under a U.N. resolution; the other preserves the inherent right of military—I want to say to my good friend from Connecticut, it is painful to me to see a former able and distinguished attorney general of the State of Connecticut twist and turn to try to do this, what he is trying to do, to the very well-crafted amendment of the Senator from Michigan. It is painful. It is painful to see this.

Mr. LIEBERMAN. Well, let me relieve you of your pain.

Mr. SARBANES. Will you withdraw the use of the word ''only''?

Mr. LIEBERMAN. This comes directly from my experience as an attorney and attorney general. If you are saying ''pursuant,'' how else—I ask the Senator from Michigan, do you believe, under your amendment, and if there is no resolution of the United Nations regarding destruction of weapons of mass destruction of Iraq, that the President could authorize the use of force?

Mr. SARBANES. Of course.

Mr. LEVIN. Of course he could. Pursuant to——

Mr. LIEBERMAN. Then why require that the President come back a second time to seek such authorization?

Mr. LEVIN. Because we are explicitly saying, pursuant to the right of self-defense, he may always, at any time, without authority from anybody. But the United Nations——

The PRESIDING OFFICER. The 3 minutes yielded to the Senator from Maryland has expired.

Mr. LEVIN. I wonder if the Senator from Delaware would yield a couple minutes for me to answer.

Mr. BIDEN. I am happy to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. This is a grant of authority. The word ''only'' is not in there. The Senator from Connecticut sought to add it last night.

Mr. SARBANES. And again here.

Mr. LIEBERMAN. And I am adding it——

Mr. LEVIN. If I could finish my answer, when the Senator from Connecticut, in 1991, introduced and supported a resolution, which passed this Congress in a close vote—and the Senator from Connecticut was a leader in that effort; and I commend him for it—the resolution relative to the gulf war said:

> The President is authorized subject to this subsection to use U.S. Armed Forces pursuant to United Nations Security Council Resolution 678.

Did that mean because that grant of authority pursuant to a U.N. resolution was present, that the President could not operate in self-defense? Did you, somehow or other, by granting that right intend to eliminate the right of this Nation to act in self-defense? I know the answer is no. I know the answer is no.

Yet in our resolution, when we explicitly preserve that right, somehow or other the Senator from Connecticut is finding it inconsistent with the pursuant grant.

Mr. LIEBERMAN. Since the Senator from Maryland has questioned my legal capacity, I want to——

Mr. SARBANES. I said it just pained me to see it at work here on the floor.

Mr. LIEBERMAN. I want to assure the Senator from Maryland——

The PRESIDING OFFICER. Who yields time at this point?

Mr. BIDEN. Madam President, how much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. LIEBERMAN. I will bring this to a close.

Mr. BIDEN. Madam President, I will yield 2 more minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I want to assure the Senator from Maryland this is not a tactic. I am genuinely puzzled, for two reasons.

You give the grant of authority, and then you say ''pursuant.'' It seems to me logical the grant of self-defense, and then you spell out that pursuant to only a U.N. resolution can the President use the Armed Forces. But then here is the second. Only——

Mr. LEVIN. Only?

Mr. SARBANES. Where is the word ''only''?

If the Senator will yield to me, I think the Senator——

Mr. LIEBERMAN. No. I think I will just finish because I am taking Senator BIDEN's time.

I am reassured but still puzzled about why you then have the second part of your amendment, I say to Senator LEVIN. And it is this: If you believe you are not saying the ''only'' way the President can use America's military forces to disarm Iraq, then why do you require a return to the Congress for that authorization later?

It seems to me your affirmation of self-defense is very broad, and in spelling out the pursuant clause, you are limiting it. If you are not, then your language is effectively a nullity.

Mr. LEVIN. It is a very significant section. What it says is, if the President does not get the resolution and if he cannot act in self-defense because the threat is not imminent, then he would come back to this Congress to seek unilateral authority. What the President has done is laid out a course of action which says even though the threat is not imminent, the President wants the authority to use unilateral action.

As a matter of fact, the amendment which will be offered later on today by Senator DURBIN will add the word ''imminent.'' I am quite sure the administration and the sponsors of the underlying amendment are going to fight very hard against adding that word ''imminent'' which has always, under international law, been required in order to attack based on a theory of self-defense.

So all our language does is protect the opportunity for the President, in the absence of a threat which rises to self-defense, an imminent threat which would justify self-defense, in the absence of a U.N. resolution, it specifically says, we are not going to adjourn sine die. This is too important.

If there is no threat that is imminent, if the U.N. does not act pursuant to this resolution, we would say to the President, we will come back to consider a unilateral authority. You don't need it, if it is self-defense. You don't need it, if the U.N. acts. But if it is not an imminent threat and the U.N. does not act, then we will be here to consider that request.

Mr. LIEBERMAN. I thank my friend. This exchange has clarified for me the intentions of the amendment. If I may briefly state it, you are saying the President can only take—forgive me for using the word ''only,'' but I will clarify it—action against, can only use the Armed Forces of the U.S. to take action against the weapons of mass destruction in Iraq without a U.N. resolution if he determines the threat from those weapons is imminent.

Mr. LEVIN. Is not imminent.

Mr. LIEBERMAN. If he determines the threat is not imminent, then he cannot take action against those weapons without the U.N. resolution, unless he returns to the Senate.

Mr. LEVIN. We are not saying what he cannot do here. This is an authority, if I may repeat.

I assume this is coming out of the time of the Senator from Delaware; is that correct?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. Then I will not yield any more time. How much time do I have?

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. If I may, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. BIDEN. I yield another 2 minutes to the Senator to finish his answer, but then I would want to speak briefly to this, if I may.

Mr. LEVIN. If I could complete that thought, this is a grant of authority. It is not a limitation of authority. That is a critical difference which, as lawyers, I think we understand. We are not saying what the President cannot do. We are saying nothing in here is in any way affecting the inherent right of self-defense. We are reiterating the inherent right of self-defense to avoid the kind of argument the Senator from Connecticut is now making, to preclude the argument. It has not worked. The Senator from Connecticut is still making the argument. But to make it clear that in no way are we affecting the inherent right of self-defense, we reiterated that right.

Secondly, there is a grant of authority to act pursuant to a U.N. resolution.

The PRESIDING OFFICER. The Senator has used an additional minute.

Mr. LEVIN. Could I have 30 seconds?

Mr. BIDEN. Sure.

Mr. LEVIN. If there is neither an imminent threat, which has been the traditional definition of self-defense, if there is neither a threat which is imminent, which would justify traditionally acting in self-defense, or if there is not a U.N. resolution authorizing member states to use force to go with those weapons of mass destruction, then we are saying we will be in session to consider a Presidential request.

The PRESIDING OFFICER. The additional time has been used.

Mr. SARBANES. Will the Senator yield me 10 seconds?

Mr. BIDEN. Madam President, I yield myself 3 minutes of the remaining 9 minutes I have, and I yield 10 seconds of that to my friend from Maryland.

Mr. SARBANES. I thank the Senator from Delaware.

I strongly commend the Senator from Michigan for how carefully thought-out and reasoned and constructive his amendment is, as was just reflected in the exchange which he had with the Senator from Connecticut.

Obviously, this amendment, which is before us and which I support, has been very carefully thought through to deal with all these eventualities. I commend the Senator from Michigan for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I rise to explain why three brilliant lawyers can be all right at the same time—because they all started from a different premise, part of the confusion for the debate that listeners will find on the floor.

I join my friend from Arizona and my friend from Virginia in being opposed to this amendment, but for reasons different than theirs. Let me try to explain as briefly as I can.

The point about whether or not there needs to be an imminent threat to justify the President taking action is what is at stake. I am of the school that suggests the President need not, if the underlying amendment passes, have to show there is an imminent threat. He is enforcing a peace agreement in effect. He is enforcing, not preempting. And he is not responding to imminent threat.

I do not believe there is an imminent threat in the next day or two or week or a month. The reason why I oppose my friend from the State of Michigan is because I believe there is an inevitable threat. We are either going to have to react, if not tomorrow, we will have to in the next 5 years. If this man is unfettered, with $2 billion per year in revenues, on the course he is on, I guarantee you, we will be responding. I guarantee you, we will.

Is it imminent now? No. Is al-Qaida involved now? No. Is all this talk about the likelihood of cooperation with terrorist groups a real immediate threat? No. I don't believe any of that now. But I do know we are going to have to address it. So the question is, do we address it now or do we wait a year or two or three.

The reason I oppose the amendment of my friend from Michigan is because the basic premise upon which I began is consistent with where my friend from Connecticut began, and that is the threat need not be imminent for us to take action. That is because we would be enforcing Security Council resolutions. That is authority we are about to delegate to the President.

I can understand why my friend from Maryland is upset about the way it is characterized by the Senator from Connecticut.

The bottom line is I believe if, in fact, we do not get a U.N. resolution, we are in a position we were in with regard to Kosovo. My friend from Arizona and I stood shoulder to shoulder on Kosovo trying to encourage the previous President of the United States to use force against the Serbs in Kosovo. I will submit for the RECORD at the appropriate time, after we had gone through an effort to get the U.N. to support it. The U.N. would not support it. And then we went.

The bottom line was, the Senator from Arizona and I felt strongly we had to go. We had to move. Were the Serbs an imminent threat to the United States of America? No. Was it a threat to our security interests? Yes. The stabilization of southeastern Europe. And so I think part of the thing that confuses people here—anyone listening to the debate, myself included, as part of the debate—is this notion of the place from which you began.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I rise to briefly comment on Senator LEVIN's alternative proposal relating to Iraq. Some of my colleagues for whom I have tremendous respect have tried to address the fact that the administration's proposal is simply not good enough by emphasizing the desirability of a United Nations resolution, thus transforming this dangerous unilateral proposal into an internationally sanctioned multilateral mission. But while I recognize that international support

is a crucial ingredient in any recipe for addressing the weapons of mass destruction threat in Iraq without undercutting the fight against terrorism, I will not and cannot support any effort to give the United Nations Security Council Congress's proxy in deciding whether or not to send American men and women into combat in Iraq. No Security Council vote can answer my questions about plans for securing WMD or American responsibilities in the wake of an invasion of Iraq. It is for this reason that I must oppose the proposal of the distinguished Senator from Michigan.

Mr. CORZINE. Mr. President, I rise in support of the Levin amendment to the underlying resolution and am proud to be counted as a cosponsor. I believe Senator LEVIN's legislation represents a rational and measured approach to military action against Iraq's tyrannical regime.

The Levin amendment emphasizes the importance of multilateralism and understands that the cooperation of the world community is an important component of American success in disarming Iraq and in Iraq's eventual reconstruction. As I said in my statement last night, if the world community is not with us when we take off, it will be hard to ask for their help when we land.

Although the administration at times appears to believe otherwise, multilateralism is not an unnecessary inconvenience, but an important precondition for success not just for actions to disarm Iraq but more importantly is prosecuting our war on terrorism. We rely on other countries for logistics, intelligence, and overflight rights. We have called on other countries to help cover the costs of previous military engagements. And we rely on other countries to provide peacekeepers to help restore law and order around the globe, including most recently in Afghanistan. And we most certainly depend on the 90-odd countries in our global coalition to combat terrorism at home in the post 9–11 government.

However, if we adopt a unilateral approach, we undermine cooperation of the world community we have so often enjoyed.

Furthermore, the Levin amendment wisely stops short of codifying the Bush preemption doctrine, a dangerous and reckless new development in American foreign policy.

Many countries have adversaries who they believe present continuing threats, maybe even imminent threats, to their security. If we establish a precedent of preemption, how in the future can we criticize Russia for attacking Georgia, stop India from taking action against Pakistan, or oppose a Chinese invasion of Taiwan in the court of world public opinion.

Nothing in the Levin amendment precludes unilateral action by the United States in self-defense where imminent and immediate threats exist. And nothing in the Levin amendment prevents the Congress from authorizing force at a later date if the U.N. does not take action.

I urge my colleagues to support the Levin amendment. I believe that it presents an excellent balance between the desire to contain and eliminate potential threats to American interests while demonstrating leadership in the post-cold-war world, and the value of devising a multilateral approach.

Thank you and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I believe I have 3 minutes remaining. In all due respect to the Senator from Michigan, as Paul Harvey would say, ''Let's hear the rest of the story.'' The reason I said in 1991 that the U.N. Security Council should approve it is because the U.N. Security Council had already acted and approved. Never, at any time in my entire history, would I believe we are dependent upon the good will or the approval or disapproval of the U.N. Security Council. So I resent, slightly, the Senator from Michigan taking me out of context there.

The fact is, in Kosovo, if we took the same course of action the Senator from Michigan is contemplating now, when butchery and genocide was going on there, we would have waited until the Security Council acted, or didn't act, and then we would have gone back into session to determine what we should do about Kosovo.

How many thousands of people would have been murdered, butchered, and ethnically cleansed had we taken the same route that the Senator from Michigan is advocating on this issue, as far as Iraq is concerned?

All I have to say about this amendment is—well, you can just read it:

> . . . will not adjourn sine die and will return to session at any time before the next Congress convenes—

Et cetera, et cetera. If that isn't a dictate by the action of the U.N. Security Council, nothing is.

We have come a long way. John F. Kennedy, on October 22, 1962, said this:

> 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.

The Levin amendment limits our freedom of action and contradicts the words of John F. Kennedy at the time of the Cuban missile crisis.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I yield 6 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to express my support for a resolution authorizing the use of force against Iraq. I do so with two cardinal prerequisites: first, that all possible means be exhausted short of war to enforce United Nations resolutions concerning Iraq and, second, that any attack against Iraq take place as part of an international coalition. That is why I am pleased to cosponsor the amendment offered by my colleague from Michigan, Mr. LEVIN, the Chairman of the Armed Services Committee.

Before the United States wages war against Iraq, President Bush and the Congress owe it to the young Americans who face death or injury in that conflict to ensure that every effort has been made to obtain our ends without endangering them. Every ounce of preparation must be taken to ensure a swift and efficient outcome should war become necessary. As another President, Herbert Hoover, once said, ''Older men declare war. But it is youth that must fight and die.'' The burden is on our leaders to justify why young men and women need to risk their future now.

Defense analysts suggest that anywhere from 100,000 to 400,000 troops will be necessary for an attack. There are already approximately 75,000 Reservists and National Guard troops on active duty, and even more may be needed to deal with the conflict in Iraq and Afghanistan while not degrading military missions elsewhere in the world. An occupation force in Iraq might require at least 75,000 troops plus a civilian counterpart to the military presence. The Congressional Budget Office estimates that the war will cost between $6 billion to $9 billion a month on top of an initial deployment cost of $9 billion to $13 billion and that an occupation force would cost $1 billion to $4 billion per month. Remember in the first Persian Gulf War, it was our allies who paid for the war. The cost of the war this time will be borne largely by the American treasury, unless we are supported by an international coalition. With a battered economy, it will be difficult to fund two wars at once for an indefinite period of time. Already our funds are stretched. The head of the U.S. Special Operations Command has indicated that he requires an additional $23 billion over the next 5 years to maintain his global responsibilities.

The need to justify such a course of action is particularly critical in the case of Iraq as President Bush is advocating a preemptive strike against a potential threat to the American homeland. Traditionally, America has never sought war by striking first nor has America eagerly sought foreign entanglements. This would be a preemptive war and one in which we could have few allies. Not since the Spanish-American War would the United States be fighting a war so far from our borders with so few friends.

As we consider this war, we must also consider the implications of what we are doing. Saddam Hussein is not the only dictator who oppresses his people, attacks his neighbors, and is developing weapons of mass destruction (WMD). North Korea's Kim Jong Il,

Libya's Muammar Qadhafi, Iran's Ayatollah Khamenei, Syria's Bashar al-Asad, and others, all pose threats or have posed threats to American interests. All are known for their human rights abuses.

American troops stand eye to eye with North Korean troops on the DMZ. Libyan agents blew up an American commercial aircraft; Iran has imprisoned American diplomats; and Syria has supported terrorist groups who have attacked and murdered Americans. All have or are developing weapons of mass destruction, including nuclear weapons and missiles to deliver them. Some of these countries may already have nuclear weapons. Some have attacked—directly or indirectly through support for terrorist groups—their neighbors. In the case of Iran, recent reports indicate that it is sheltering and assisting al-Qaida leaders.

In the case of other countries, we are working diligently, through bilateral and multilateral diplomacy, to constrain their efforts to develop weapons of mass destruction. However, in regard to Iraq, the President argues that Saddam poses a unique threat. His argument is convincing concerning the extent of devastation that Saddam has wreaked on his own people and his neighbors. He is truly, as the President notes, a ''homicidal dictator,'' but he is not the only dictator addicted to developing weapons of mass destruction. Nor is the policy solely a choice between invading Iraq or standing hopelessly by while Saddam becomes ever stronger. Since the Persian Gulf War, we and our allies have worked to make Saddam weaker and, according to all reports, including that of our own military, Saddam's military capability is much less now than it was in 1991.

Congressional testimony, reports by the intelligence community and outside analysts, state that Iraq's WMD capability is much less now than it was before the Gulf War. A recent CIA public report states that Iraq's chemical weapons capability ''is probably more limited now than it was at the time of the Gulf war . . . '' Although it is probable that Iraq's biological weapons program is more advanced than it was before the war, its delivery capability, according to the respected London-based International Institute for Strategic Studies, ''appears limited.''

I agree that we must neutralize Iraq's WMD threat. The question is how to do that most effectively while minimizing the loss in American lives. The argument that an inspection system cannot guarantee the elimination of Iraq's WMD program is certainly true but misses the point. There are few absolutes in this world. Defense Secretary Rumsfeld insists that we need American troops on the ground, rummaging through every Iraqi nook and cranny for evidence of WMD. Even with our troops doing so, there would be no guarantee that every item would be uncovered or how long it would take. We are still finding traces of chemical weapons left over from World War I in the backyards of homes in Washington, D.C. Nor have our troops in Afghanistan, despite heroic efforts, been able to eradicate every al-Qaida operative.

But what aggressive inspections can do is destabilize the Iraqi WMD program, keep it bottled up, frustrate efforts at gaining new technologies and additional supplies, and force Iraqi technicians to hide and keep moving constantly. It will not be disarmament, but, if implemented effectively, it will be dismemberment of the Iraqi WMD program, splitting it in parts and preventing it from becoming whole.

A new inspection regime has to be very aggressive, receive considerable support from the United States and its allies, have a fixed set of dates for marking compliance, and be backed by the threat of war. Iraq's record of evading inspections is well documented. Benchmarks for compliance will remove wiggle room for countries who argue for a softening of sanctions provisions. Putting in place an aggressive new inspection regime is not an insubstantial achievement, and it does not undermine necessary preparations to develop an effective war-fighting strategy and strengthen international backing for a conflict.

Defense Secretary Rumsfeld and others in the administration tell us that time is not on our side. But we must make the time to ensure that we minimize American casualties. Time is not on Saddam Hussein's side either. Our patience has been exhausted and a new U.N. resolution must be firm in its deadlines. Some in the Administration believe Saddam's hold on those responsible for guarding him is so tenuous that in the event of an attack, they will turn on him and overthrow him.

The current discussion about Iraq has obscured the successes of American policy toward Iraq. A recent Congressional Research Service report by its distinguished Middle East expert, Kenneth Katzman, observes, the United States ''has largely succeeded in preventing Iraq from reemerging as an immediate strategic threat to the region.'' A British Government intelligence report notes that the ''success of U.N. restrictions means the development of new longer-range missiles is likely to be a slow process.''

If war becomes inevitable because Iraq refuses to give inspectors the liberty they need to perform their mission, then the United States must have an effective military strategy for fighting a war.

Great uncertainty surrounds the President's post-war strategy. Remember the day the war ends, Iraq becomes our responsibility, our problem. The United States lacks strategic planning for a post-conflict situation. Retired General George Joulwan recently said that the U.S. needs ''to organize for the peace'' and design now a strategy with ''clear goals, milestones, objectives.'' General Joulwan argues we did not have such a plan for Bosnia and we are late to develop one in Afghanistan. Our objectives in Iraq have not yet been made clear: is it our goal to occupy Baghdad and if so, for how long? A rush to battle without a strategy to win the peace is folly.

General Hoar observed that ''there has been scant discussion about what will take place after a successful military campaign against Iraq. The term ''regime change'' does not adequately describe the concept of what we expect to achieve as a result of a military campaign in Iraq. One would ask the question, ''Are we willing to spend the time and treasure to rebuild Iraq and its institution after fighting, if we go it alone during a military campaign? Who will provide the troops, the policemen, the economists, the politicians, the judicial advisors to start Iraq on the road to democracy? Or are we going to turn the country over to another thug, who swears fealty to the United States?''

As General Shalikashvili stated in testimony before the Armed Services Committee, ''we were very fortunate in Afghanistan that in fact a government, interim government, emerged that seemed to have a modicum of support from its people. . . . We should not count on being lucky twice.'' Nor can we count on Iraq's oil funding reconstruction if wellheads are blown up as they were by retreating Iraqi forces in Kuwait.

Experts indicate that American troops will need to remain inside Iraq for many years in order to ensure stability. Iraq will require extensive economic assistance. As the current situation in Afghanistan indicates, the process of restoring viability to a nation—nation-building—after years of repression is a difficult one and made more difficult by the inability of other nations to sustain their support in the effort. Violent attacks are on the increase in Afghanistan. Afghan officials have received only about half of the $1.8 billion in aid promised last January. A study by the Army's Center of Military History has concluded that we would need to commit 300,000 peacekeeping troops in Afghanistan and 100,000 in Iraq if we are to have an impact comparable to that which we had in reconstructing Japan and Germany after the war.

The consequences of a long-term American occupation of Iraq needs to be carefully weighed. Anthony Cordesman, an analyst with the Center for Strategic and International Studies, has observed, ''there has been a 'deafening silence' from the Administration about how Iraq will be run after Hussein.'' Historically, the United States has had a poor record in the Middle East. We supported Iraq in its war against Iran.

Nor does eliminating Saddam necessarily mean that the Iraqi people will welcome American occupiers or that they will have democratic leaders to govern. Secretary Rumsfeld asserts that he trusts the Iraqi people will be

inspired to form a new government. But can we be assured that it would be a democratic government or a democratic government that is pro-American? Can we be assured that the new regime will be committed to getting rid of Iraq's weapons of mass destruction, especially as Iraq's traditional adversary, Iran, has an even more advanced program of weapons of mass destruction?

Even though our military forces may be equipped to fight a war in Iraq and a war on terrorism in Afghanistan, there is a significant price to be paid. In his testimony before the Senate Armed Services Committee, General Richard Myers, Chairman of the Joint Chiefs, noted that certain unique units, such as intelligence platforms, command and control assets, and Special Operations Forces would need to be prioritized if the war on terrorism expanded. Richard Solomon, former Assistant Secretary of State in the first Bush Administration, refers to the ''danger of over-stretch'' in which the United States assets are deployed in multiple nation-building enterprises and are not able to respond if another crisis erupts.

All of these concerns point to the importance of international support as a critical ingredient of both our war-fighting and our peace-making strategy. Without the imprimatur of the international community, the President's war will be seen as a private vendetta by the United States.

The President was right to frame his speech at the United Nations in the context of restoring credibility to the United Nations through enforcement of its resolutions. This is the essential context of this conflict but it can be validated as such only if the international community joins it. Regional support will provide an allied force with the forward basing needed to mount a large-scale attack. Right now no country in the region contiguous to Iraq is volunteering to host American troops in a war. International support will help dampen hostility toward the United States by the peoples of the region and help build support among the Iraqi people. International support for the post-war, peace-making phase of the operation will reduce the American military's footprint and decrease the need for American financial resources. Secretary Rumsfeld has testified that the United Nations or an international coalition will run Iraq after Saddam. For that to be the case, the United Nations or some ad hoc international coalition will have to be formed before the war.

The President also must ensure our troops are properly prepared. Recently, the Pentagon's Deputy Assistant Secretary for Chemical and Biological Defense stated that American troops are not ''fully equipped and prepared'' against a bio-chem attack. Decontamination shelters are reported to be in short supply as is the decontaminant foam used to clean up following an attack. The General Accounting Office recently testified that 250,000 defective protective suits against a chemical or biological attack cannot be located and may remain in current Pentagon inventories.

We must take the threat of an Iraqi chemical or biological attack very seriously. According to the British Government's White Paper on Iraq, Iraq chemical weapons caused over 20,000 casualties in the Iran-Iraq War. Iraq used sprayers, bombs, artillery rockets, and artillery shells to deliver these weapons. Thousands of rockets and artillery shells filled with chemical weapons remain hidden in Iraq's arsenal.

Haste makes waste, affirms the adage, and in this case, haste means a waste of American lives. We may have an all-volunteer force but they are not mercenaries; they are citizen-soldiers and we owe it to each and every one of them and their families to proceed carefully when endangering their lives. Preparation is not the same as procrastination.

Constituent opinion in my home state is running strongly against any authorization of the use of force against Iraq. The President and his Administration need to make a clear and compelling case to the American people and to our allies abroad as to why this confrontation is necessary now.

For that reason, Mr. President, I support efforts to frame a multilateral approach to rid Iraq of its weapons of mass destruction. I support action by the United Nations in the form of a resolution calling for unconditional and unfettered inspections in Iraq. Only after we exhaust all of our alternative means should we engage in the use of force, and before then, the President must ensure we have a strategy and plans in place for winning the war and building the peace.

I yield the floor.

Mr. BIDEN. Madam President, how much time do I control?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BIDEN. Madam President, I yield myself the remainder of my time.

The reason to go to the U.N. Security Council does not relate to sovereignty, it relates to security, and the security of the United States based upon the notion the President of the United States has recognized when he said he thought it was necessary to go to the U.N. Security Council.

I think the arguments made against the first part of the Levin amendment are specious. Why did the President of the United States go to the Security Council? Was he yielding our sovereignty? No more than our friend from Michigan is ''yielding our sovereignty.''

The President went to the U.N. because, as one White House official said to me, he had to do so. Why? For our security interests. If we did not go to the U.N. Security Council and check off the blocks, the moment any force crossed into Iraq, we would find every U.S. embassy burned down in every Muslim country in the world. He went for security reasons.

My only disagreement with my friend from Michigan is I do not think we need a two-step process. We should go to the United Nations, and the President says we should go to the United Nations. We should seek the authority to enforce the inspectors in disarming weapons of mass destruction. And if he fails, my friend says come back and get authorization to proceed anyway. I am prepared to give him the authorization now. That is the only disagreement we have.

I would disagree with those who argue against my friend from Michigan saying that by his making this contingent of going to the United Nations first, he is in no way yielding to American sovereignty, any more than the President has.

In the underlying resolution, it requires the President, in effect, to go to the United Nations and exhaust all diplomacy.

Nobody has suggested the President of the United States has yielded our sovereignty. No one should suggest the Senator from Michigan is, either.

Mr. WARNER. Will the Senator yield for a brief question?

Mr. BIDEN. My time is up.

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WARNER. The Senator raises a key point on which I was going to conclude, and that is, as we are debating, the Secretary of State is working before the U.N. Security Council.

Mr. BIDEN. Correct.

Mr. WARNER. He has made it clear to the Senator from Delaware, I am certain, as he has made it clear to me, that the two-step process will not achieve the goals a coalition of nations now working—Great Britain and the United States—desire to achieve; am I not correct?

Mr. BIDEN. Yes, with one caveat. He has expressed to me his ability to achieve a tough resolution would be enhanced by our not making it a two-step process. But he personally has told me and my committee he would consider and the President would consider a U.N. two-step process if they had to. The reason for my saying not two steps now is it strengthens his hand, in my view, to say to all the members of the Security Council: I just want you to know, if you do not give me something strong, I am already authorized, if you fail to do that, to use force against this fellow.

Mr. WARNER. That is right. Were we to act now, we would substantially reduce his leverage and ability.

Mr. BIDEN. In response, I cannot honestly say substantially reduce it. I think it will reduce it some. This resolution, for example, reduces the possibility of getting a strong response compared to what Lugar-Biden would have done. The truth is it is marginal. Everyone has to make their own judgment. I think it would reduce his ability. I would be hard pressed to say it

was substantial. He has a stronger hand having the authority granted to him after he exhausts the U.N. outcome to say to them: Look, if you do not give it to me, I now have the authority to move.

Mr. WARNER. I say, Madam President, the distinguished majority leader said Congress should speak with one voice. We have in our resolution—you recognize the problem of one body. This is a total substitute amendment. It strips out everything. As the Senator from Delaware knows, I say to the distinguished chairman, the Levin resolution just takes part of 687. It does not incorporate the previous resolutions, the 16 which we have time and again on this floor said Saddam Hussein has ignored.

I say to my friend, it is very important, as the leader said, that Congress speak with one voice, and the only way to do that is to retain our Lieberman-Warner-McCain-Bayh amendment and not have a substitute.

I yield the floor.

Mr. BIDEN. Madam President, I ask unanimous consent to proceed for 30 seconds.

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

Mr. BIDEN. Madam President, if the President attempts to take this Nation to war over Kuwaiti prisoners, I hope to God that is not what you all mean by this underlying provision. If this President attempts to take this Nation to war over return of Kuwaiti property, if this President attempts to take this Nation to war based on this authority for any reason—any reason—other than weapons of mass destruction, I will be on this floor every day taking issue with this President attempting to stop the war. I cannot fathom anyone suggesting that Kuwaiti prisoners warrant us going to war. This is about weapons of mass destruction, in this Senator's view.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Madam President, I totally reject there has been any inference on this side of such a nature, but we do incorporate in the preamble the other resolutions, and I think it important they be incorporated.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 15 seconds. There may not be an inference in their rhetoric, but there is more than an inference in the resolution they support. It says resolutions of the U.N. It identifies them all, including the one on Kuwaiti prisoners. I am afraid while they may want to ignore the language in their own resolution, that is more than an inference that is there; that is authorized there.

It is amazing to me that language is inserted into my resolution, which is not there, by the opponents of my resolution, while ignoring the language in their own resolution which is there.

I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WARNER. Madam President, I should point out it also includes the return of an American prisoner, an accounting of him.

Mr. LEVIN. That part I support.

Mr. WARNER. Fine.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, the vote on the Levin substitute amendment is one of the most important votes we will cast in this process. I commend the Senator from Michigan for his fine work on this alternative. The Levin amendment urges the United Nations to take strong and immediate action to pass a resolution demanding unrestricted access for U.N. arms inspectors in Iraq. It also urges the United Nations to press for full enforcement of its prior resolutions on Iraq. The Levin substitute language makes it clear that the United States will stand behind the U.N. Security Council, even authorizing the use of U.S. military force to support the Security Council directives if necessary.

At the conclusion of World War II, the United States had a vision of a world body that would be a forum for resolving future disputes with means other than war. There were many important initiatives that needed multilateral coordination by an international body. For more than half a century, the United States has poured diplomatic energy and considerable resources into the United Nations system. During the cold war years, the U.N. languished, weakened by the divisive United States-Soviet confrontation. But following the demise of the Soviet Union, the United Nations has regained considerable authority, and as the world's lone superpower, the United States is now finding that it has considerable use for the United Nations.

Our decade-long struggle with Saddam Hussein is one example of how working with the United Nations serves our interests. We partnered with the United Nations very effectively during the Persian Gulf War. Sanctions have prevented any significant rebuilding of Iraq's conventional military capabilities. We maintain U.N. no-fly zones over Iraq that have restricted military reprisals against the Iraqi Kurds and Shiites. United Nations inspectors on the ground in Iraq learned a great deal about Iraq's weapons of mass destruction program immediately following the gulf war. But things fell apart in subsequent years.

Once again, we need a strong United Nations to step up to Saddam Hussein. The United Nations must take the lead in enforcing its demands that Iraq give up its biological and chemical weapons stockpiles and production capabilities. The United Nations also demanded that Iraq dismantle its nuclear weapons program. I am pleased that last month, President Bush decided to take his case against Saddam Hussein to the United Nations. The U.N. Security Council has responded with vigorous debate, and is considering a strong U.S. proposal for enforcement of a strict U.N. inspections regime. I urge the Security Council to act now, and act decisively.

The Levin amendment puts us squarely behind this United Nations effort. It is the only language that does so. It is critical that we give the U.N. our full support at this time, and give the Security Council the opportunity to take bold action as proposed by the United States. If we undercut the United Nations here today, we are depriving ourselves of the best chance to peacefully achieve the most important goal of disarming Saddam Hussein.

As the world's lone super power, we need a partner in the United Nations. Many of the critical tasks before us are actually international tasks. For instance, degradation of the environment is a global problem and requires a global solution. The crisis of climate change can hardly be addressed by the United States alone. Improving the quality of our water and air requires internationally coordinated efforts. Economic, employment and health problems are increasingly becoming global issues, as people move across national boundaries in search of jobs and opportunity. We need a strong partner in these efforts, and the United Nations system is our best hope.

We are becoming increasingly aware of the disparities in the economic wealth and use of resources around the globe. Addressing these problems will require a great deal of creative thinking and financial resources. While we are the world's strongest nation, we cannot solve these problems alone. Nor do we want to. We need a strong partner in this effort. A reinvigorated United Nations is the most likely venue for progress.

The spread of weapons of mass destruction has clearly become a threat to our national security. There is much more that the United States can do to stop this proliferation. But in order to have much success at these efforts, we must work in concert with the international community. We need a strong United Nations as a partner in this effort.

The effect of the Levin substitute is to give the United Nations a chance to prove it is up to the task. If we are to have a strong and effective partner in confronting the many problems facing the United States, then we must stand squarely behind the United Nations today. I urge my colleagues to support the Levin amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I rise in support of the Levin resolution. I salute my colleague from the State of

Michigan because I think what he has captured in this resolution is, frankly, what the American people believe.

There is no one in this Senate Chamber making apologies for Saddam Hussein or his weapons of mass destruction. There is no one who wants to ignore the peril which that man could pose to the Middle East or to the United States of America. But what Senator LEVIN is suggesting is, frankly, to follow what the President is suggesting.

On September 12, President Bush went to the United Nations and he said to them, if their organization means anything, then they have to stand up to this man. We have to have unconditional inspections. For 5 years we have been standing by the sidelines, and we want to know what is happening in Iraq.

Senator LEVIN says that is the first place we should go, and I agree with him. And it is not as if the United Nations has ignored this. Secretary of State Colin Powell, a man I respect very much—one of the leaders in this administration—has been in New York working with the United Nations for this resolution. That is the best course of action. To have the United Nations behind us, as President Bush's father had the United Nations behind him in the Persian Gulf war, to have a coalition of allies representing countries from all around the world; countries that have joined us in the war on terrorism would now join us in a meaningful inspection regime in Iraq. That is what Senator LEVIN suggests.

What a contrast it is from the President's own resolution. The President's resolution talks about continued discussion with the United Nations. But make no mistake, the President's resolution gives him unconditional, go-it-alone authority to launch a land invasion in Iraq with or without an ally. There is a world of difference between what Senator LEVIN and I support and what the President has asked for.

Doesn't it make more sense for us to work with the United Nations for unconditional inspections to make certain we have inspectors on the ground looking at every square inch of Iraq, and if there is resistance from Saddam Hussein, if he obstructs us, if he creates obstacles, we then have the force of the United Nations behind us in enforcement? We do not stand alone. We stand with other nations and with the United Nations. That is what President Bush's father did, and it was the right thing to do. That is what we should do because, frankly, bringing this force together is a validation of this organization, the United Nations, which the United States, as much as any other nation in the world, helped to create.

After World War II, we said: Let's come together in collective security to work together to solve the problems of the world and to deal with war and peace.

Time and again, in over 100 instances, the United Nations has risen to that challenge. We should give them that same opportunity and responsibility with the Levin resolution. That is the better course of action. As Senator LEVIN says clearly in his resolution, nothing in the resolution ever diminishes in any way whatsoever the power of the President of the United States to defend this country, its people, its territory, its Armed Forces, against any threat of aggression. That is part of what we expect of the Commander in Chief, the President, and Senator LEVIN preserves and protects that.

I urge my colleagues to support the Levin amendment. The Levin amendment is the best way for us to approach this challenge.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona has 1 minute.

Mr. MCCAIN. Madam President, I may be in the debate on the Durbin amendment. We can discuss the comparison between this situation and Kosovo. The United Nations Security Council never acted in Kosovo. The United States of America was not imminently threatened—was not threatened—but genocide was going on in Kosovo where thousands of people were being ethnically cleansed. If we had passed the Levin amendment at the time of Kosovo, when those of us supported then-President Clinton, we would have waited to find out whether the Security Council acted or not and then we would have come back and considered whether Kosovo was a threat to the United States of America. Kosovo is not today, was not then, and will not be tomorrow a threat, but the United States of America had an obligation, and because the United Nations Security Council did not act did not hamstring us.

The reading of this amendment says the Congress will come back into session in case of certain Security Council actions. There is no other way to read it. This amendment should be resoundingly defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan controls the remaining 5 minutes.

Mr. LEVIN. Madam President, that Saddam Hussein is a threat, must agree to inspections and be disarmed is something on which I hope we all agree. The only question here is: What is the best way to do that? Do we do that by going to the world community, as the President has, and saying we want the world community to enforce its resolution relative to weapons of mass destruction? And do we mean it? Do we go there, and are we serious when we say to them: We want you to act because it makes a difference, when force is used, as to whether or not it has the credibility and strength of the United Nations and the world community behind it? It makes a difference.

It did not make a difference in Kosovo. It makes a difference here. The ramifications of going it alone here are major. In the short term, our troops are going to be more in danger if we go it alone without the U.N. authorization.

We have been told by the Saudis and other countries we are not going to have access to their bases, their airspace, their support, unless there is a U.N. resolution. We have been informed of that.

We know that the war against terrorism can be weakened unless we act as a world community. We cannot act unilaterally and expect that other nations are going to join us in a war on terrorism the way they would if there were a U.N. resolution supporting it.

If we go it alone, there are both short-term risks as well as long-term risks. The long-term risks in going it alone are that without an imminent threat—if there is one, we can move in self-defense. No U.N. resolution is ever needed to act in self-defense. But to act without an imminent threat, to attack another nation, raises some significant precedent problems for other threatening parts of the world. India and Pakistan can easily say there is a continuing threat and use this kind of a precedent to justify attacking each other. That is not the kind of precedent we should set.

So there are real risks that we should recognize in using force unilaterally. We should see the advantage of doing this multilaterally with the support of the world community. We should go to the world community, focus all of our efforts there, and tell them we are serious.

We say we are. Let's mean it, not just say that we want them to be credible but mean it, and to tell them in advance: Oh, by the way, if you do not do it, we will anyway.

It takes them right off the hook. Instead of putting a focus on the need for world community action to authorize this action and the advantage of it, our focus becomes blurred. It is an inconsistent message to the world. Now it is a message of unilateralism. We say: We need you, but whether you do it or not, we are going it alone.

This resolution—and here I must say I agree with my friend from Arizona. He agrees with me that it would be better if we got authority from the U.N., and I am glad he does. And then when he says we must not delegate our security policy to the U.N., I agree with him. We never will; we never would. This resolution explicitly eliminates any such implication by the reiteration of the right to act in self-defense.

Mrs. BOXER. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to yield for a question. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 50 seconds.

Mrs. BOXER. This is a quick question. Some of our colleagues on the other side have basically said the Senator is relying totally on the United

Nations. I have read the Senator's resolution over and over. He is so clear on the point that at any time the President can take action in self-defense and, in addition, at any time the President can come back and make the case for unilateral action. Am I correct on that reading, that at any time he can come back and answer the questions he has yet to answer and lay out what it would mean to us to go it alone? Is that correct?

Mr. LEVIN. The Senator is very much correct. I thank the Senator for the support and for her kind words earlier this afternoon.

Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 3 seconds.

Mr. LEVIN. I yield back the entire length of my remaining time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that I be allowed to speak.

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

Mr. REID. Madam President, my good friend, the senior Senator from Pennsylvania, has questioned some of the things I have done today. I am disappointed he feels that way.

Last night we worked for a long period of time. It was not a matter of minutes; it took a long time. The Senator from Virginia, the Senator from Arizona, the Senator from Connecticut, and others, including the people offering these amendments—I personally spent time on the phone calling Senators who had amendments. The result, after a long period of time, was that Senators who have amendments—Senator BOXER, Senator DURBIN, Senator LEVIN, Senator BYRD—we worked out an arrangement where they could offer their amendments. Senator DAYTON always was going to offer his amendment and he withdrew it and decided not to offer it. His was nongermane.

In an effort to get this done, we allowed some amendments to be voted on today that were nongermane. That is how compromises are made in legislation. As part of the deal, the Senators who had other amendments would withdraw those amendments. There was clearly never any question about that. It is in the RECORD last night, ''and they will offer no other amendments tomorrow.''

In the rush of things, they were not withdrawn last night. They should have been. They were not. Just like the problem we had with Senator BYRD today, he understood there was a unanimous consent request that had never been made that was in the RECORD.

First, we did not need consent to withdraw this. Every Senator had the right on their own to withdraw this. That is a right. They did not need unanimous consent.

My good friend who understands the rules as well as anyone here had the right at any time to file a first-degree amendment. For reasons he knows, he decided not to do so. He indicated he had second-degree amendments that he wanted to pin to some of the amendments, that the arrangements were made to not be part of the proceedings today.

I also say to my friend, the senior Senator from Pennsylvania, he said: Well, I will not agree to any of your unanimous consent requests.

I don't make unanimous consent requests for me. Rarely. I bet out of 100 unanimous consent requests, there is not three-tenths of 1 percent that I make for myself. I will try during this vote and the rest of the evening to see if we can work something out for the Senator from Pennsylvania that will satisfy him. We always try to do that. Both the majority and the minority floor staffs work very hard. We will try to do that. I don't want him upset and disappointed.

I want the RECORD to indicate that what they did last night was for the good of this body. We did our best. It may not have been a perfect arrangement, but I think it was fair. Senators were allowed to offer an amendment and in exchange for that they withdrew the others. Technically, they didn't do that last night. I didn't do it on their behalf. We did it this morning. It is done. That was the fair thing to do.

I repeat for the second time that I will be happy to work with the Senator from Pennsylvania to see if we can arrive at the conclusion he wants. We will see what we can do.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I would be happy to yield.

Mr. MCCAIN. Along with the Senator from Virginia, the Senator from West Virginia, and other Senators, negotiations were conducted in good faith, in fairness, with full consultation. Many, many Senators are unhappy that they were unable to perhaps propose more amendments or perhaps do other things.

I attest to the fact that the Senator from Nevada, fulfilling his duties of getting this legislation achieved with the consideration due every Senator, in my view, did a fair and unbiased job.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I associate myself with the——

Mr. SPECTER addressed the Chair.

Mr. WARNER. The leader is to be recognized.

The PRESIDING OFFICER. The Senator from Virginia is the manager and is recognized.

Mr. WARNER. I associate myself with the remarks of my colleague, Mr. MCCAIN. I attest to the accuracy of the statement the Senator made.

I further add that the distinguished Republican leader, Mr. LOTT, from time to time visited with the floor managers, so he, likewise, was very much aware of the procedures.

Mr. REID. I kept the majority leader advised of everything that we did.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to respond to the Senator from Nevada, over the Senator from Virginia, because what the Senator from Virginia has said and what the Senator from Arizona has said does not bear on this issue.

I am not upset. I think I have been treated unfairly. I did not offer a first-degree amendment to the so-called Biden-Lugar amendment because I had expected Senator BIDEN to offer that amendment. He did not do so up until 1 p.m. yesterday. Having found that out, I consulted with the Parliamentarian and found out that I could offer a second-degree amendment to some seven pending first-degree amendments. I worked it out very carefully and elaborately with the Parliamentarian this morning. The word was out that I was offering the Biden-Lugar amendment.

Other Members of the Senate from the other side of the aisle approached me, liked the fact I was doing it, and wanted an opportunity to vote on it. I got a call from a ranking member of the State Department saying the White House was concerned that I offered the amendment. The word was out that I had moved ahead to offer the Biden-Lugar amendment as a second-degree amendment. I had done that because, after extensive conversations with Senator BIDEN last week, I had decided to cosponsor it. When it was not offered, I decided to offer it. I was under no illusion of its being successful. It seemed to me on a matter of this importance, going to war, that matter ought to be before the Senate. So I worked it out. When I walked off the floor, I was told by an aide that the Senator from Nevada had asked unanimous consent to withdraw not only the Levin amendment, the Durbin amendment, and the Boxer amendment, but also the Dayton amendment. That was done in my absence. I thought that was unfair. I approached the Senator from Nevada and said so. It seems to me that I ought to have an opportunity to offer that amendment.

Now, I read the RECORD from last night that is referred to with respect to three of the Senators, Senator LEVIN, Senator BOXER, and Senator DURBIN. Senator DAYTON is not mentioned. I know he has the right to withdraw the amendment. Senator DAYTON does not like the resolution. Perhaps he would not have. There is an issue as to whether Senator DAYTON's amendment was germane. I am advised by the Parliamentarian that my second-degree amendment being germane cures whatever infirmity there may be on the Dayton first-degree amendment.

I have been in this body for 22 years, and I do not think I have objected to any unanimous consent agreement. However, there are plenty of Senators who do. I am not talking about the percentage the Senator from Nevada offers on his own behalf. This is part of my

objection to the way this entire debate is being run. There is cloture filed. I understand the rules. Seventh-five Senators voted against it. I have already heard comments from some who voted against it who are sorry they did so.

We are about to go to war and a Senator does not have a right to offer an amendment. A unanimous consent agreement is asked in my absence and I do not think that is fair.

I yield the floor.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, Mr. LEVIN.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 75, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—24

Akaka	Durbin	Levin
Bingaman	Feinstein	Mikulski
Boxer	Harkin	Reed
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Conrad	Kennedy	Stabenow
Corzine	Kohl	Wellstone
Dayton	Leahy	Wyden

NAYS—75

Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Biden	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Breaux	Graham	Nelson (NE)
Brownback	Gramm	Nickles
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Campbell	Hagel	Santorum
Cantwell	Hatch	Schumer
Carnahan	Helms	Sessions
Carper	Hollings	Shelby
Cleland	Hutchinson	Smith (NH)
Clinton	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Johnson	Specter
Craig	Kerry	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lieberman	Thurmond
Dodd	Lincoln	Torricelli
Domenici	Lott	Voinovich
Dorgan	Lugar	Warner

NOT VOTING—1

Bennett

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry: It is the understanding of the Senator from Virginia that the Durbin amendment is next under the order.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. And will the Chair state the allocation of time?

The PRESIDING OFFICER. The Senator from Illinois controls 40 minutes; the Senator from Delaware, Mr. BIDEN, controls 10 minutes; and Senators WARNER and MCCAIN share 15 minutes.

Mr. WARNER. Mr. President, we are ready to proceed. I would like to just address the Senate momentarily, and I say to my distinguished friend and floor leader, that on this side, the following Senators have indicated a desire for some time to speak: Senator DEWINE, Senator COLLINS, Senator SPECTER, Senator SESSIONS, Senator ENSIGN, Senator SMITH, Senator MCCONNELL, Senator GRAMM, Senator FITZGERALD, and Senator SHELBY.

Now, we have progressed very well through this debate to allocate the speakers going from one side to the other. I would hope we could do that. And in due course we could work together, I say to my good friend, who has been so helpful to move this piece of legislation, to get a UC to put speakers in line so as to sequence the times so that Senators can go about their duties today on other matters more conveniently.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Virginia, we also have a list of people who want to speak. Under the rules, we have 30 hours postcloture. We have used some of that time today. We have 100 Senators. A number of Senators have already spoken. I have looked at our list. I heard the Senator briefly mention his list. I would hope those Senators who have already spoken would allow some who have not the opportunity to speak. But that is a personal choice they have to make.

During this next debate, I will be happy to direct our floor staff, as you will, to see if we can work out—I think if we do more than four at a time, it creates a problem. So we will work on that and see if we can come up with some speakers after we dispose of this next amendment.

Mr. WARNER. I thank the leader. So we shall work together.

Senator MCCAIN and I will require additional time on this side, both of us, to address various issues. Having managed the bill, there are areas of this debate we believe need to be put in the proper context in which questions arose and were answered.

Mr. REID. After the two leaders, you have the right of first recognition, so you would certainly be able to do that.

Mr. WARNER. If I understand, I say to my leader, following disposition of the Durbin amendment, the parliamentary situation is that we are now on the balance of the 30 hours remaining under cloture; am I correct?

Mr. REID. Since cloture was invoked this morning. I don't remember exactly when it was invoked.

Mr. WARNER. About 11:10 is my recollection.

Mr. REID. The 30 hours started running at that time.

The PRESIDING OFFICER. The time was 11:38 a.m.

Mr. WARNER. Just to inform Senators what the parliamentary situation is.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized to offer an amendment.

Mr. DURBIN. Mr. President, if I am not mistaken, the Senator from Mississippi was seeking unanimous consent to speak at this time. I yield to him before I call up the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, over the last several years the Subcommittee on International Security, Proliferation and Federal Services has monitored weapons systems development in Iraq and elsewhere. We have held numerous public hearings on the threat these developments pose to our national security.

For the information of all Senators, I am putting in the RECORD an unclassified description of the subcommittee's findings from the testimony presented to us by the intelligence agencies at our hearings. I firmly believe we are confronted with a dangerous threat to our forces who are now deployed in that area of the world. I am also convinced the President has outlined a strategy for dealing with this threat and with the dangers faced by our homeland which involves the United Nations and the Congress in the decisionmaking process, and we should support him.

This support would be clearly illustrated by approval of the Lieberman-Warner-McCain amendment. We should let our friends and adversaries alike know that, as a nation, we are united in our resolve to do whatever is necessary to protect our national security and the safety of our citizens, including the use of military force.

I ask unanimous consent that the outline of findings from my subcommittee which I described be printed in the RECORD.

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

FACTS ABOUT IRAQ'S WEAPONS OF MASS DESTRUCTION

Iraq's program to develop weapons of mass destruction and the means to deliver them has been underway for over three decades. Although it suffered setbacks during and immediately after the Gulf War, the program has since been reconstituted and has achieved significant progress in recent years. The following key facts about Iraq's program to acquire and employ weapons of mass destruction are drawn from publications and testimony of intelligence officials.

In an October 2002 report entitled ''Iraq's Weapons of Mass Destruction Programs,'' the Central Intelligence Agency reached these key judgments:

Iraq has continued its weapons of mass destruction (WMD) programs in defiance of UN resolutions and restrictions. Iraq has chemical and biological weapons as well as missiles with ranges in excess of UN restrictions; if left unchecked, it probably will have a nuclear weapon during this decade.

Iraq hides large portions of its WMD efforts. Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny the world information about its programs.

Since inspections ended in 1998, Iraq has maintained its chemical weapons efforts, energized its missile program, and invested more heavily in biological weapons; most analysts assess Iraq is reconstituting its nuclear weapons program.

Iraq's growing ability to sell oil illicitly increases Baghdad's capabilities to finance WMD programs; annual earnings in cash and goods have more than quadrupled.

Iraq largely has rebuilt missile and biological weapons facilities damaged during Operation Desert Fox and has expanded its chemical and biological infrastructure under the cover of civilian production.

Baghdad has exceeded UN range limits of 150 km with its ballistic missiles and is working with unmanned aerial vehicles (UAVs), which allow for a more lethal means to deliver biological and, less likely, chemical warfare agents.

Although Saddam probably does not yet have nuclear weapons or sufficient material to make any, he remains intent on acquiring them.

How quickly Iraq will obtain its first nuclear weapon depends on when it acquires sufficient weapons-grade fissile material.

If Baghdad acquires sufficient weapons-grade fissile material from abroad, it could make a nuclear weapon within a year.

Iraq has begun renewed production of chemical warfare agents, probably including mustard, sarin, cyclosarin, and VX. Its capability was reduced during United Nations inspections and is probably more limited now than it was at the time of the Gulf War, although VX production and agent storage life probably have been improved.

Saddam probably has stocked a few hundred metric tons of chemical weapon (CW) agents.

The Iraqis have experience in manufacturing CW bombs, artillery rockets, and projectiles, and probably possess chemical agents for ballistic missile warheads, including for a limited number of covertly stored, extended-range Scuds.

All key aspects—R&D, production, and weaponization—of Iraq's offensive biological weapon (BW) program are active and most elements are larger and more advanced than they were before the Gulf War.

Iraq has some lethal and incapacitating BW agents and is capable of quickly producing and weaponizing a variety of such agents, including anthrax, for delivery by bombs, Scud missiles, aerial sprayers, and covert operatives, including potentially against the U.S. Homeland.

Baghdad has established a large-scale, redundant, and concealed BW agent production capability, which includes mobile facilities; these facilities can evade detection, are highly survivable, and can exceed the production rates Iraq had prior to the Gulf War.

Iraq maintains a small missile force and several development programs, including for an Unmanned Aerial Vehicle (UAV) that most analysts believe probably is intended to deliver biological warfare agents.

Gaps in Iraqi accounting to UNSCOM suggests that Saddam retains a covert force of up to a few dozen Scud-variant missiles with ranges of 650 to 900 km.

Iraq is deploying its new al-Samoud and Ababil-100 short-range ballistic missiles, which are capable of flying beyond the U.N.-authorized 150-km range limit.

Iraq's UAVs, especially if used for delivery of chemical and biological warfare (CBW) agents, could threaten its neighbors, U.S. forces in the Persian Gulf, and the United States if brought close to, or into, the U.S. Homeland.

Iraq is developing medium-range ballistic missile capabilities, largely through foreign assistance in building specialized facilities.

Iraq's effort to extend the reach of its ballistic missile force is not limited to medium-range missiles capable of striking its immediate neighbors. Iraq has pursued long-range ballistic missiles in the past and has even tested a rudimentary space launch vehicle (SLV).

In testimony before the Subcommittee on International Security, Proliferation and Federal Services, Robert Walpole, the National Intelligence Officer for Strategic and Nuclear Programs stated, ''Iraq's goals of becoming the predominant regional power, and its hostile relations with many of its neighbors, are the key drivers behind Iraq's ballistic missile program.''

According to the Department of Defense's report ''Proliferation: Threat and Response,'' Iraq in December 1988 attempted to launch the Al Abid 3-stage space launch vehicle, which used 5 Scud missiles clustered together as a first stage.

The Intelligence Community's unclassified summary of the ''National Intelligence Estimate on Foreign Missile Developments and the Ballistic Missile Threat Through 2015'' states:

After observing North Korean missile development the past few years, Iraq would be likely to pursue a three-stage Taepo Dong-2 [TD–2] approach to a ICBM, or space-launched vehicle, which would be capable of delivering a nuclear weapon-sized payload to the United States.

Iraq could develop and test a Taepo Dong-2-type system within about ten years of a decision to do so.

If Iraq could buy a TD–2 from North Korea, it could have a launch capability within a year or two of a purchase.

It could develop and test a TD–1–type [Taepo Dong–1] system, within a few years.

Iraq could attempt before 2015 to test a rudimentary long-range missile based on its failed Al-Abid SLV . . .

If it acquired No Dongs from North Korea, it could test an ICBM within a few years of acquisition by clustering and staging the No Dongs—similar to the clustering of Scuds for the Al-Abid SLV.

Mr. COCHRAN. I thank the distinguished Senator from Illinois.

AMENDMENT NO. 4865 TO AMENDMENT NO. 4586

Mr. DURBIN. Mr. President, pursuant to the unanimous consent agreement, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4865 to amendment No. 4586.

(Purpose: To amend the authorization for the use of the Armed Forces to cover an imminent threat posed by Iraq's weapons of mass destruction rather than the continuing threat posed by Iraq)

On page 7, line 20, strike ''the continuing threat posed by Iraq'' and insert ''an imminent threat posed by Iraq's weapons of mass destruction''.

Mr. DURBIN. Mr. President, I call up this amendment to the underlying resolution presented by the President and sponsored by Senator LIEBERMAN and others on the floor of the Senate.

In this Capitol Building, there are many historic rooms. There is one that is of great significance to me. It is only a few steps down the hall. It was in room 219 where I gathered with about a dozen of my colleagues among the Senate Democrats for a meeting on the morning of September 11, 2001. I can still recall the meeting vividly as we watched the television screen and its report, as we heard of the evacuation of the White House, as we jumped from our chairs and looked down The Mall to see the black smoke billowing from the Pentagon. And then we were told immediately to leave this great building and rushed down the steps and far away.

That is my image of September 11. Everyone who is following this debate has their own image of September 11. My world changed. America changed. Perhaps things changed all around the world on that day.

I came to work on that morning never believing that just a few days later, on September 14, I would stand on this floor and join every one of my colleagues in the Senate in a unanimous bipartisan vote of support for President Bush's request for war on terrorism. I am not a person who comes to that vote easily. I am one who grew up with the specter of war during our war in Vietnam. I am a person who served in the Congress and considered the momentous decision of the Persian Gulf war. I always took those votes extremely seriously. But there was no doubt in my mind on September 14, this was the right one. The war against terrorism was the right one. We were going to go after those parties responsible for what they had done to us on that day of infamy.

Now we gather in the Senate, a little over a year later, to face another historic vote. The President has asked Congress for the authority to wage another war, a war against Iraq. It is fair first to ask what progress we have made on the war against terrorism. Some things have happened for which we can be very proud.

The Taliban is out of power in Afghanistan. They no longer will be catering to the kind of extremist we saw with al-Qaida. Osama bin Laden is at least on the run, and that is certainly good news. Afghanistan is moving back toward a civilized state. Women are returning to the streets without the burkas. Girls are going to school. Positive things are happening. We saw an intelligence network created around the world to support the U.S. war on terrorism, an amazing display of unity and support for what we were doing.

But still, as I stand here today and make this assessment of the war on terrorism, the manhunt continues for Osama bin Laden and his top lieutenants. Afghanistan is still in its national infancy. Hamid Karzai, leader of Afghanistan, is a good man but barely escaped an assassination attempt a few weeks ago, an assassination that, had it resulted, would have thrown that nation into chaos. Al-Qaida is still known to be in 60 nations around the world, and this war is far from over.

Make no mistake, we cannot dedicate the resources, the manpower, the skills, and the weapons of war to a new war in Iraq without sacrifices in our war on terrorism. This will be a war on two fronts; sacrifices will be made.

Let's speak to the President's request for a war against Iraq. If you have followed the comments from the President since August until today, you will note that his approach has changed. In fact, this is the third version of the resolution before us.

In one respect it is a tribute to the President that he has worked with others to try to improve the resolution. We expect that. In another, it suggests a change in attitude and philosophy and perhaps an intent as this resolution develops.

The speech the President gave on Monday night I listened to, every single word of it. I wanted to hear everything he had to say. The speech the President gave to the American people was far different than the language of the resolution before us.

What has happened since August when the President first raised the specter of Iraq as a threat to the United States?

Initially the White House said: We don't need congressional approval. We can move forward. They went on to say: We can do it unilaterally. We don't need any allies. We can attack Iraq if necessary by ourselves. And the President said our goal is regime change. We want Saddam Hussein gone. We have had enough of him. And he went on to say—Vice President CHENEY backed him up—inspections by the U.N. are worthless. We tried that.

That was the first cut, the first position of the White House.

Last Monday, when the President gave a speech, it was a much different message. He is seeking congressional approval. That is why we are here today. He said that he is going to help lead a coalition of forces against Saddam Hussein, far different than what this resolution says, far different than what he said at the outset.

He is now working through the United Nations; something that had been dismissed early on in the debate has now become a big part of it. The President went on to say that he is now focusing on weapons of mass destruction and destroying them. There won't be any argument here. I have yet to meet a single Member of Congress who defends Saddam Hussein and his weapons of mass destruction.

The President said we need an inspection regime through the United Nations. That is a big departure from where he was. But that speech basically described a process the President suggested and endorsed, which many of us endorse as well.

In 8 weeks the administration has changed its rhetoric but the resolution we have before us has not. This resolution is important for many reasons. First, it is a war resolution. With this expression of authority from Congress, the President will have what he needs under our Constitution to move forward, to dispatch troops, mobilize reserves, move the men and women in uniform into harm's way, and be prepared for battle. That is, of course, the most important part of the resolution.

Another part rivals it in importance. This resolution is historically important because it marks a dramatic departure in the foreign policy of the United States of America. It is not simply a question of our policy toward Iraq or Saddam Hussein; it is a question of our policy toward the world.

This resolution still authorizes a unilateral, go-it-alone invasion of Iraq. This resolution contains no requirement to build a coalition of allies behind us. It has been said over and over again, isn't it better for the United States to have a coalition behind us than to have a coalition against us? This resolution does not specify that we are targeting weapons of mass destruction. This resolution represents a dramatic departure in foreign policy. That is why I have offered this amendment.

Senator LEVIN of Michigan was here earlier speaking about the role of the U.N. As much as any nation, the United States has guided and nurtured the U.N. We have gone through painful, frustrating moments when we have disagreed with their actions and could not agree with Security Council decisions, but by and large we have stood by the U.N. since its creation. In the words of Kofi Annan, ''The U.N. is the international community at work for the rule of law.''

That is as succinct a description of what the U.N. is all about as I have ever read. We have been with the U.N. through NATO, in the cold war, on questions of post-Soviet transatlantic order, and a variety of other issues. Now comes the President, on September 12 of this year, who visits the U.N. and issues a significant challenge. He says to the U.N. on September 12: If this organization has a backbone, it is going to stand up to Saddam Hussein, demand inspections for the weapons of mass destruction, and remove or destroy them. And if it does not, the President basically said that the U.N. is irrelevant; it has become the League of Nations.

Well, since then, progress has been made. A man whom I respect very much, Secretary of State Colin Powell, has been involved in shuttle diplomacy with the Security Council to put together U.N. support for just the very approach the President asked. It is the right approach—to really put our inspectors on the ground with no holds barred, nothing off limits, with no exemptions for Presidential palaces, so that we can go in and discover, with the help of our intelligence community, which will provide information where we think the weapons can be found and, in finding them, be able to establish once and for all that Iraq is in violation of U.N. resolutions and destroy the weapons.

If Saddam Hussein and Iraq should resist or stop us, consider the position we are in. We can then turn to the U.N. and say: We gave you your opportunity. You know this man will not comply with orders. Now stand together in enforcing the U.N. inspection. What a strong position that is—for us to have a coalition of nations, through the U.N., working with us, rather than the Bush resolution, which says we will do it by ourselves.

I think we have seen progress, but this resolution would brush it all aside. This resolution would say to the U.N. and others around the world: Go ahead and finish your debate and engage yourself as much as you like, but in the final analysis this Nation, the United States of America, will do exactly what it wants to do.

I don't think that has been our approach historically. We have always said: If you attack us, expect an answer. That is what happened on September 14, when we voted on the resolution on the war on terrorism. But why, if the U.N. is making progress toward this goal, do we want to say we are going to ignore the progress you have made, ignore the fact that you have accepted this challenge, we are going to ignore the possibility of meaningful inspections to disarm Iraq, and we will go it alone, we will launch a land invasion?

I think that is a mistake. This U.N. coalition effort is very important. In October of last year, President Bush stated, with some pride, that we had launched our war on terrorism, and he said: ''We are supported by the collective will of the world.'' And we were. The President has a right to be proud of that. The fact that we mobilized nations around the world to come behind us in the war against al-Qaida and the terrorists meant something in the war on terrorism.

Why, then, does it not mean something today? Why, then, when we are considering this war resolution, are we not committing to build a coalition of force to make sure we are successful? We know what the coalition means. It means strength in numbers. It means a sharing of the burden. Why should it only be American soldiers walking through the deserts on the way to Baghdad? Should we not have an international force? Because the threat Saddam Hussein poses is certainly to the Middle East and other countries before it threatens the United States. Why should other nations not defray the cost of this war? The fact that we would spend $100 billion or $200 billion when we are currently in deficit—why should that not be shared? Certainly, when we fought in the Persian Gulf, that was what happened. There is nothing in the Bush resolution for a coalition of force to join us in this effort in Iraq.

Also, the creation of a coalition establishes vital cover for other nations to join us. Do you recall the comments made by Saudi Arabia a few days after the President's visit to the U.N.? They had been not only cold but antagonistic to the idea of the United States going it alone against Iraq. They announced, after his visit to the U.N., that if the U.N. took action, they

would cooperate. Why is that significant? It is as significant today as it was in the Persian Gulf. President Bush's father realized that when you bring Arab States into the coalition, it is critically important as we consider action against an Arab nation, Iraq.

Think of this for a moment, too: If our coalition includes Arab States and countries from around the world, it minimizes the impact this will have on the fundamentalists and extremists who are trying to breed and educate and train the next generation of terrorists. A third of the people living in the Arab world today are under the age of 14.

If this is a coalition including Arab States, then we are in a much stronger position to argue that it is U.N. action, collective action, it is not the United States going it alone. This will help to defuse any terrorists who might come out and will help to establish stability after the attack.

Let me go to the particular reason to raise this amendment to this resolution. The House has passed the resolution we are considering. It tells you we are drawing that much closer to the possibility of war. It is a historic decision, one which now is in this Chamber. If this Chamber agrees to the same resolution and presents it on the President's desk, my guess is it will be signed very quickly. It is more than just war against Iraq. Just a few weeks ago, the administration released what they called ''The National Security Strategy of the United States of America.'' It is a document which outlines what they consider to be the new parameters of foreign policy in our Nation. It is well worth the read.

You will find in this document, on page 15, a significant and historic departure from the foreign policy of the United States. The argument is made in this publication by the administration, by President Bush's White House, that the world has changed so significantly since September 11, 2001, that the principles and values and norms of conduct of our foreign policy must be changed dramatically in this respect. We have always said to the world: The United States is not an aggressor nation. We are not seeking to invade your country for territory or treasure. But if you threaten us, you can expect that we will return with all the force and power we have. We are not trying to conquer you, but if you threaten our territory, our people, our allies, our Armed Forces, you can expect the worst. That is the way it should be.

We have said historically we are a defensive nation. Even at the height of the cold war, we did not endorse a first strike against the Soviet Union. No, we are a defensive nation. This new foreign policy reflected in the resolution before us is a dramatic departure from that.

The argument is made that we have no choice. Because we are now fighting terrorism, we can no longer wait for an imminent threat against the United States. We have to be able to move preemptively for what might be, as is said in this resolution, a continuing threat.

What does it mean? If you list the nations of the world that pose any threat to the United States, unfortunately the list is fairly long. It would not just be Iraq. The President's ''axis of evil'' includes North Korea and Iran. One would certainly put Syria, Libya, and maybe many other countries on that list.

What the President's foreign policy is calling for is the right of the United States to attack these countries without provocation, without imminent threat. That, I say to my friends in the Senate, is a dramatic departure in foreign policy. We are not just talking about how to deal with Saddam Hussein, how to deal with weapons of mass destruction in Iraq, what to do through the United Nations. The supporters of this resolution are calling for a dramatic departure in American foreign policy.

From my point of view, it is a departure which is unwarranted and unwise. This is why I believe it: For over 50 years, with nuclear Armageddon facing us, with nuclear missiles poised in the Soviet Union and in the United States, our position was one of deterrence. We said, as I mentioned before, we would not strike first. We held that position, with some rare exceptions. That was our position as a nation, and it prevailed. It prevailed to overcome the Soviet Union and, frankly, to bring the Russians closer to our position in the world and to bring the world closer to peace.

Look what has happened in the last 10 years in our relationship with Iraq. Since the Persian Gulf war, we have made it clear to Saddam Hussein and his leaders that if they make one bad move with a weapon of mass destruction, either through a terrorist organization or directly against the United States, its neighbors, or any of our allies, frankly, they will pay a heavy price. There has never been a doubt about that. There is no doubt about that today.

The establishment and maintenance of the no-fly zone is our way of keeping an eye on Saddam Hussein from start to finish. There is not a tank or truck that moves in Iraq today we do not monitor. There is not a hole that is dug and filled up we do not monitor. We made that clear under existing foreign policy, but this resolution says it is time for us to change that policy. It is time for us to argue we can preemptively strike Iraq or any other country before they pose a threat to the United States. That is a dramatic change.

My amendment goes to this issue and says the President has the authority to use force. Let me read it specifically because I do not want to misstate it for my colleagues:

> The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against an imminent threat posed by Iraq's weapons of mass destruction.

That is what my amendment says. It spells that out in terms of foreign policy that we have created, in many respects, and honored throughout our history. To state it as stated in this resolution is to endorse this new rewrite of American foreign policy and to say in the age of terrorism that preemption is the answer.

I asked Dr. Condoleezza Rice a question when she came before us a few weeks ago, as follows: If we are going to argue that we have the right as a nation to attack any nation we suspect may be a threat to us, how then can the United States play a role in the world supporting diplomacy and peace? How can we argue to countries that are in incendiary relationships, such as India and Pakistan over Kashmir, that they should not do preemptive attacks of their own? How do we make that argument?

Oh, she said, diplomacy is working in Kashmir. It depends on what day of the week that question is asked. I hope it works. I hope peace comes to that region. We really lose our right to argue and demand more diplomacy and more peacekeeping when we say the United States may preempt any perceived threat, but other nations in the world should negotiate. The same can be said of China and Taiwan and many other places in the world.

To my colleagues I say this: This resolution not only addresses Iraq, it marks a significant departure in foreign policy. I hope, even though we have not had hearings, even though we have not debated this at length, that this amendment which I offer, with just a handful of words, will call into question whether this is the wisest policy, whether this is a necessary policy.

Let me say this as well. I know the United States is in a fearful and anxious situation since the attacks of September 11, 2001. Though we have been heartened by the strength of this Nation and its unity, there is still a lingering question as to whether we will be struck again.

It is because of that anxiety, because of that fear, I think many of us are moving now to say, let's do what is necessary, let's make the changes, let's get on with it.

I caution and beg my colleagues to think twice about that. America has faced periods of fear in its past, some not from foreign threats but from domestic situations.

One of the most noteworthy in our history was the Great Depression which faced our country when then-President Franklin Roosevelt, in his Inaugural Address, said:

> This great Nation will endure as it has endured, will revive and will prosper. So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself. Nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert, retreat, and advance. In every dark hour of our national life, a leadership of frankness and vigor is met with that understanding

and support of the people themselves, which is essential to victory.

I have listened to speeches on this floor, speeches which have, frankly, touched the anxiety, concerns, and fear of America. I have heard people on this floor lionize Saddam's weapons of mass destruction as a threat. The President's own resolution said Saddam Hussein may launch a surprise attack against the United States, language which is almost, frankly, impossible to understand in the world in which we live.

I heard those same voices minimize the impact of weapons of mass destruction on the battlefields of Iraq if we launch a land invasion to try to force regime change.

As we know—it has been declassified this week—our intelligence community tells us the most likely scenario of weapons of mass destruction to be used against Americans is if we launch an invasion of Iraq. Saddam Hussein knows today if those weapons move or are used in any way against us and our allies, he will pay a terrible price.

Our foreign policy must not be driven by fear. We must be vigilant. We must be careful. But at this moment of national concern over our vulnerability of terrorism, we cannot lose sight of the course which guided our Nation for generations. As we search every corner of our Nation and every corner of the world for danger and threats, we can never lose our sight on true north, and that rock-solid reliable point is a commitment to a rule of law, a commitment to a foreign policy based on established values and established standards of international conduct.

We cannot now ignore the challenge of Saddam Hussein. We need to address it. We should push forward with inspections through the United Nations, and build a coalition of support to make sure he is kept under control. The Presidential resolution, which envisions the United States standing alone, is not the best course. The Presidential resolution, which calls for a dramatic departure in our foreign policy, is not the best course.

Mr. President, I reserve the remainder of my time and yield the floor. How much time do I have remaining?

The PRESIDING OFFICER (Mr. CARPER). The Senator from Illinois has 15 minutes remaining.

The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is the Senator from Virginia and the Senator from Arizona have 15 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. At this time, the Senator from Arizona wishes to allocate his time to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak for about 7 minutes. If any other Senator wishes to speak, they may certainly do so.

Mr. President, I want to address directly the Senator's amendment. He talked about everything but his amendment. His amendment is remarkable because instead of allowing the President to deal with the continuing threat posed by Iraq, this amendment would require the President to identify an imminent threat; that is to say, one that is immediate, pressing, upon us, imminent. I suggest, as a member of the Intelligence Committee for almost 8 years, that it is virtually impossible for us to know when a threat is imminent, a threat posed by a regime such as Saddam Hussein's, or a group of terrorists.

These people do not announce their threats in advance. They conceal their intentions, as well as their capabilities, and it is very difficult for us to know the precise moment at which the threat is imminent.

So this amendment is remarkable because it would literally force the President to wait until the last minute in order to take the action that is permitted by the amendment.

There is a saying in the intelligence community that we do not know what we do not know. We find out later what we did not know.

We did not know that Saddam Hussein, for example, had gone to the extent he had in the development of biological and chemical weapons until defectors came out of Iraq and told us what he had done. We did not find out about that through other intelligence. Then we sent inspectors, and before Saddam Hussein got it all hidden, they were able to find some of it, at which point he said: Oh, gosh I forgot about that—or words to that effect.

We did not realize the extent to which he had developed his nuclear capability until after the gulf war was over, when we learned that he was years closer to having a nuclear weapon than we had thought.

If Saddam Hussein had waited to attack Kuwait, had not attacked Kuwait, and gone ahead with his plans, he would have had a nuclear capability before the United States knew about it. By then, it would have been too late.

My point is this: We may have pretty good intelligence, but it is not good enough to calibrate as closely as the Senator's amendment would require, to wait until the moment when the President says now it is imminent. And that is the problem. Action has to be taken when the threat is clear, when it is known to be there, but we do not really know exactly when he is going to make his move.

As September 11 showed, if it showed us anything, our intelligence is not good enough to do that. We can know there is a threat. We can know it is growing, we can know it is continuing, but we cannot know that moment when it becomes imminent.

This amendment asks an impossibility of the President: To prove that the threat is imminent or at least to wait until it is clear to him that the threat is imminent. But we may never know until it is too late that Saddam Hussein has a nuclear weapon.

The Senator also complained about this new doctrine of preemption, but I would suggest that with respect to Iraq, we are not talking about preemption, we are talking about unfinished business called the gulf war.

Every day the United States and the United Kingdom fly airplanes, pursuant to United Nations resolutions, to enforce those resolutions—frankly, to engage in aerial inspection called reconnaissance—and they get shot at almost every day. When they get shot at, they either try to take out the radar site or SAM missile site that is firing at them after they have been shot at, or what they try to do is knock it out before they get shot at. Now, somebody may call that preemption. I call it self-defense and common sense.

This is not some new doctrine we are about to engage in that is going to threaten world peace. This is the unfinished business of the gulf war that is authorized by United Nations resolutions that we engage in every day and that requires us to act in our own self-defense.

It is also said that for the last 11 years, Saddam Hussein has not used his weapons of mass destruction. So why deal with this now? Why not wait until the threat is imminent? Is that it? We are supposed to put our trust in Saddam Hussein? I am unwilling to place the security of the United States of America in the hands of the likes of Saddam Hussein. I do not believe we can trust him.

Because our intelligence is not good enough to calibrate this threat to the action that would be authorized by the amendment, and because we cannot trust Saddam Hussein, I support the resolution that is before us and oppose the amendment of the Senator from Illinois.

Finally, suggesting, as some have, although I did not hear these words from the Senator, that there has to be a smoking gun—that is the concept behind this notion of imminence—before we can take action, is extraordinarily misguided. Remember, a gun smokes after it has been fired.

When I think of a smoking gun, I think of the Pentagon and the World Trade Center. I believe that the amendment of the Senator from Illinois is dangerous, misguided, and I hope my colleagues will join me in defeating it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Who yields time to the Senator from Texas?

Mr. KYL. Mr. President, on behalf of Senator WARNER, unless Senator LIEBERMAN wishes any time, I yield the remainder of the time to Senator GRAMM.

The PRESIDING OFFICER. Nine minutes.

Mr. GRAMM. Mr. President, this has been a great debate. I want to congratulate Senator WARNER and Senator LIEBERMAN, and I want to thank my

dear friend JOHN MCCAIN for his leadership on this issue.

Even error has been presented on the floor of the Senate in a way that one could be proud of. I think these kinds of debates build the stature of the Senate, and when the American people listen to this debate they will realize that on this issue there is a lot of serious thinking, a lot of good thought, and I believe in the end we are going to make the right decision.

I have waited to speak—did the Senator want me to yield?

Mr. WARNER. Yes. I had to speak to the Republican leader. I had 7 minutes. I wish to allocate several of those minutes to our colleague from Connecticut.

Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes.

Mr. GRAMM. Mr. President, I ask unanimous consent that I have 5 minutes.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I regret to say to my good friend from Texas——

Mr. GRAMM. How about 4½ minutes?

Mr. WARNER. Why doesn't the Senator take an additional 2 minutes so we can complete the debate on this amendment?

Mr. GRAMM. Mr. President, I will wait until this amendment is completed and then I will speak.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my friend from Texas for his cooperation. I now yield the remaining time, with the exception of 1 minute for the Senator from Virginia, to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask that the Chair notify me when a minute remains so I may terminate my remarks.

The PRESIDING OFFICER. The Chair will do so.

Mr. LIEBERMAN. Mr. President, I rise to oppose, respectfully, the amendment introduced by the Senator from Illinois.

The underlying resolution, building on 11 years in which the world community has tried every way imaginable, except war, to get Saddam Hussein to keep the promises he made at the end the gulf war to disarm, is a strong resolution. This amendment would diminish it, and in that sense it would also diminish its effectiveness to convince the United Nations to act so we do not have to form our own international coalition.

In two regards, it also diminishes the authority of the Commander in Chief, as granted by our resolution, and does so in a way that is far more restrictive than most any authorizing resolution for war or military action that I have seen before.

First, it introduces the word ''imminent'' in place of the words ''continuing threat.'' We say in our resolution that the President may use the Armed Forces of the United States in order to defend the national security of our country against the continuing threat posed by Iraq. The Durbin amendment would change that to the imminent threat posed by Iraq's weapons of mass destruction.

In changing it to ''imminent,'' which is a temporal term—it suggests time, that something is about to happen soon—it adds a qualification that I think is unwarranted. In the totality of Saddam Hussein's evil administration, weapons of mass destruction, ballistic missiles, unmanned aerial vehicles, there is a threat that is real to us, and I am convinced will be used against the American people unless we act, hopefully through the United Nations, to disarm him.

So while it might not be imminent in the sense that he is about to use it against us, in my opinion it is a ticking time bomb. We do not know exactly how many seconds or minutes or hours are left on that timer. I don't want the President to be limited to an imminent threat to use the power we are giving him here.

Second, it limits that authority for the President to act only in regard to an imminent threat of weapons of mass destruction.

The resolution we have introduced provides two conditions under which the President may use the Armed Forces to defend the national security of the United States against the continuing threat posed by Iraq and to enforce all relevant U.N. Security Council resolutions regarding Iraq. This harkens back to a colloquy I had with Senator SPECTER of Pennsylvania yesterday.

It seems to me these two parts have to be read in totality as modifying each other. The resolutions that are relevant in the U.N. Security Council are to be enforced particularly in relationship to the extent to which they threaten the national security of the United States. In doing this, we are expressing our understanding that the President is unlikely to go to war to enforce a resolution of the United Nations that does not significantly affect the national security of the United States.

We want to do what the Constitution invites us to do. Congress is given the authority under article I to declare war. The President under article II is the Commander in Chief. There is a healthy tension there. It is up to Congress to authorize and to the President to act as Commander in Chief with the latitude that authority gives him but also with the accountability and responsibility that authority gives him.

I have spent time looking at authorizing resolutions for war or military action from the past. The one that we put together—although some of our colleagues have described it, I think, erroneously as a blank check—is quite limited compared to the declaration of war authorizing and directing the President to employ the entire naval and military forces of the United States and the resources of the Government to carry on war—this was in the case of World War I—and to bring the conflict to a successful termination, all the resources of the country are hereby pledged by the Congress of the United States.

We have only one Commander in Chief; 535 Members of Congress cannot effectively conduct a war. We set the parameters, as this resolution does. We authorize. But it is the President ultimately who carries out and serves as our Commander in Chief. That is what our resolution does. That purpose would be significantly altered and, I say respectfully, weakened by the language of the Senator from Illinois, which is why I respectfully oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. My understanding is that the Senator from Delaware has 10 minutes. He is not here. I will ask unanimous consent I take 7 of his 10 minutes.

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

Mr. WARNER. Mr. President, I wish to retain 2 of those minutes for myself and give 4 minutes to our colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank my dear colleague and floor leader. I will make a couple of comments.

I have listened to these arguments, and I would say they have been made very effectively and with great eloquence. But as I hear them, they boil down to two simple arguments. The first argument is that if we are going to use military power against Saddam Hussein, we ought to do it within the context of the United Nations and it ought to be part of a multinational effort. I reject that.

I reject it because when we are talking about the security of our Nation, I am not willing to delegate the responsibility of protecting it to the U.N. When it comes to the lives and safety of our people, I am not willing to leave that up to the U.N. I am not even willing to leave it up to our allies. It is the responsibility of the U.S. Government. That is why we need this resolution.

The plain truth is, if nobody else in the world is willing or able to do this job, we are able and we are willing. That is what this resolution says. And by being able and being willing, I believe there will be others who will help us.

The second argument can be explained through an analogy. Let's say there is a rattlesnake nesting in your rock garden. Our colleagues are saying, look, if you go in there and try to find that rattlesnake and try to kill him, he is liable to bite you. The probability of being bitten is lower if you leave him alone.

For a short period of time, they are right. There is no doubt about the fact if you put on your snake boots and you get rat shot and your pistol and go out there with a stick and start poking around trying to find him, the probability during that period of time that you are going to get bitten does go up. But most rational people get their pistol and get that stick and go out there because that rattlesnake will be out there for a long time. Your dog might go through there and get bitten. Your grandchild might be playing out there. The good thing about going in to find a rattlesnake is you know he is there and you are alert to the threat.

My view is we do have the rattlesnake in the rock garden. We have the ability to go in and get him out. And because of the threat that it poses to us, I don't think we ought to wait around to do what we know we need to do. In looking at the future, I say the threat is greater if we do not act than if we do.

Those are the two arguments I hear. They are in fancier garb and they are better put. But it really boils down to, let's turn over our security to the U.N. or to our allies. I am not willing to do that. Let's avoid the risk of this conflict because it will be dangerous while the conflict is going on. It will be a lot safer once the conflict is over.

That is where we are. I think we are doing the right thing. I think we are going to have an overwhelming vote. We have had great bipartisan success on this force resolution because Saddam Hussein has no organized political support in America. I wish we did not face organized political support for opposition to homeland security.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I say to our distinguished colleague from Texas, I listened intently to his remarks. Two things occurred to me. First, how much we value the Senator's contribution these many years we have served together. We shall miss him. Also, the Senator cut right to the heart of the argument, leaving no doubt where he stands.

Mr. President, I am happy to yield the floor. I think I have 3 minutes left under my control.

Mr. DURBIN. It is my understanding the Senator from Delaware still has time remaining under the unanimous consent request.

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes remaining, and the Senator from Illinois has 15 minutes remaining.

Mr. DURBIN. I thank the Senator for his courtesy. When we disagree, he is always courteous in his treatment and fair on the floor of the Senate.

I might say to my friend from Connecticut, it is rare we disagree. I am sorry this is one of those cases. But I would pose a question, if he wants to answer it—without yielding the floor.

Do you believe that the threat of weapons of mass destruction in Iraq is an imminent threat to the United States today?

Mr. LIEBERMAN. I thank my friend. I agree it is rare we disagree, so I do so with respect.

That is my point. I believe the threat is real. The weapons of mass destruction threat is real. Whether it is imminent or not, I do not know.

As I said, the analogy that comes to mind is of a bomb on a timer. I don't know whether the timer is set to go off in a day or a year. But because the danger is so real, I don't want to establish the standard of imminence before the United Nations or the President of the United States can act to eliminate the danger.

Mr. DURBIN. I thank my colleague from Connecticut, and I think it is an honest answer. But let me tell you, I serve on the Intelligence Committee and I would not disclose anything I learned there because it is classified and top secret, but some things I can say because they are public knowledge.

If you want to talk about threats to the United States, let me quickly add to that list North Korea. Currently, North Korea has nuclear weapons. North Korea has missiles that can deliver that nuclear weapon to many countries that we consider our friends and allies in their region.

Iran may not have a nuclear weapon today but could be further along than Iraq is at this moment. There is scant if little evidence that Iraq has a nuclear weapon.

We do not trust Syria because it is a harbor for some 12 or 15 different terrorist organizations in Damascus, and we certainly do not trust Libya because of our fear of weapons of mass destruction.

So now of all the countries I have listed, Iraq is one of them for sure. But I have given you five or six countries which, under this resolution's logic and under this President's new foreign policy, we should be considering invading. Which one and when?

Historically, we have said it is not enough to say you have a weapon that can hurt us. Think of 50 years of cold war when the Soviet Union had weapons poised and pointed at us. It is not enough that you just have weapons. We will watch to see if you make any effort toward hurting anyone in the United States, any of our citizens or our territory.

It was a bright-line difference in our foreign policy which we drew and an important difference in our foreign policy. It distinguished us from aggressor nations. It said that we are a defensive nation. We do not strike out at you simply because you have a weapon if you are not menacing or threatening to us. Has September 11, 2001, changed that so dramatically?

The words ''imminent threat'' have been used throughout the history of the United States. One of the first people to articulate that was a man who served on the floor of this Chamber, Daniel Webster, who talked about anticipatory self-defense, recognized way back in time, in the 19th century. What we are saying today is those rules don't work anymore; we are going to change them.

I might also add, even though the Senator from Connecticut didn't address it directly, as to whether Iraq is an imminent threat, the minority leader, Republican minority leader, Senator LOTT, today on the floor came forward and said, and I quote:

> He [meaning the President] is prepared to try to find a peaceful solution here. But unless we make it clear he is committed, we are committed, the U.N. is committed, this problem will not go way. It is serious and it is imminent.

The words of Senator LOTT on the floor today, recognizing the point I am trying to make here. If the President believes it is an imminent threat from weapons of mass destruction, he should have the authority to go forward.

But this is not just a matter of striking a strong position and showing that we have resolve. It is a matter of the people of the United States, through the Senate and the House, giving authority to the President of the United States to commit the lives of our men and women in the U.S. Armed Forces.

I, for one, have thought long and hard about voting for war. As I said on September 14, 2001, I did. I would do it again on the war on terrorism. I believe every Senator—every Senator—Republican and Democrat alike, takes this responsibility particularly seriously.

I had a personal experience in my district as a Congressman in the Persian Gulf war. One of my friends had a son who was in the Marines. She called me and said: He has just been sent over there, and I am worried to death about him.

I said: Let's wait and see how this goes.

We engaged in a debate on the floor of the House and Senate, and we gave President Bush's father, the President, authority to go forward. If you remember, we built up our troops and forces for 6 months, the day came, and the war began, and we were prepared, and we were decisive; in a matter of 48 hours the war ended and I breathed a sigh of relief. It was over quickly, and there were just a handful—I think about 200 American—of casualties out of the thousands and thousands of troops who were in harm's way.

No sooner had I had this feeling of relief than I got a call. One of the 200 killed in that 48-hour period was Christian Porter, a lance corporal in the U.S. Marine Corps, killed by friendly fire—the son of my close friend. I went to that funeral, faced his mother and his father. There was little I could say. I went to the veterans cemetery, the National Cemetery, afterwards, as I am sure all of the Members of the Senate would do to pay their respects to his family and respect to this man who served his country.

The image of that funeral at that service in that day is still in my mind

today as I think about the decision we are making, about whether or not we are just striking a position to show our resolve or whether we are in fact, as this resolution says, giving to this President the authority to call into combat men and women who will put their lives on the line for the decision we make today.

Is it unfair for us to say, on this side of the debate, that we should exhaust every reasonable and realistic option before we engage in war? That we should work through the United Nations if we can find an inspection regime that is honest, to try to lessen the threat on the United States at any time in the future? That we should gather a coalition of forces?

I couldn't disagree more with my colleague from Texas. Yes, it is a threat to the United States. All of the countries I listed are threats. But why should we bear this burden alone? Should this burden not be shared by our allies and those who agree with us that we need a peaceful and civilized world? Shouldn't their troops be in the field with American troops fighting side by side for this cause? Only American soldiers? Only American tax dollars? Only America is assuming the responsibility for stability when the war on Iraq is over?

I don't think it is a fair approach. It is far better for us to have a coalition working on it. But what triggers it, goes to the heart of this amendment, is that moment in time when this President—and he is the one who has the authority as Commander in Chief—says we now face an imminent threat from weapons of mass destruction.

What could that be? It could be the identification of fissile material that is now going into Iraq which could lead to their development of a nuclear weapon. That, in my mind, shows imminent threat. It could be his using weapons of mass destruction and sharing them with terrorist organizations. That is clearly an imminent threat. All of these things would trigger the United States to step forward and say now we have to defend ourselves. But at this point in time, none of that is here.

We are being asked, by voting on this resolution, not to wait for the United Nations, not to wait for a coalition, but to move forward on a continuing threat. Member after Member comes to the floor and tells us: The threat against the United States of weapons of mass destruction is an imminent threat. We have to take it seriously. We have to vote on this before the election. That is what the White House says: We have to do it now, we have to do it before we leave town.

Yet when you ask them to put the words ''imminent threat'' in the resolution, watch them scatter and run when the vote comes to the desk here. There will be a handful of us voting for that, a handful of us who believe the foreign policy which has guided the United States for so many generations, so successfully, which has brought us peace and stability, should be honored and respected even on this resolution of great historic moment.

I yield the floor and reserve the remainder of my time. I don't know if there are others who wish to speak.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, we are making excellent progress on this bill. Did the leader wish to speak?

Mr. REID. Not quite yet. We need a few more minutes.

Mr. WARNER. I am sorry. I did not hear the leader.

Mr. President, we have some matters moving along very well. I thank my colleague from Illinois for his remarks. I shall proceed to use my 3 minutes, and the 3 minutes from the Senator from Delaware, which as I understand it is still there, without objection.

The PRESIDING OFFICER. Without objection.

Mr. WARNER. I have listened carefully to our colleague. His amendment is very simple on its face. But behind the simplicity lies a great deal of history.

This Nation of ours has been protected by the two oceans, and by wonderful neighbors to the north and to the south. We have had a sense of security. But with the advent of high technology, and with the advent of worldwide syndicates of terrorists, America will never be the same again.

That is a tough thing for me to tell my children and my grandchildren because I have labored in my life—as everyone in this Chamber has—to provide not only for my family, friends and neighbors such that they can enjoy the life we have enjoyed these many years. However, high technology, while it benefits mankind in so many ways, has brought about dramatic change.

If you wish to have the standard of imminent threat placed in the bill that Senator LIEBERMAN, Senator MCCAIN, Senator BAYH and I have crafted, I say to you most respectfully, with the advent of this extraordinary evolution of technology, the time involved in warning that is implicit in imminent threat left us with the end of the 20th century. The 21st century high technology has erased that. Imminent danger struck us on September 11th. We didn't know it was coming. The doctrine of imminent danger, as I say, has changed in this 21st century. It no longer gives us the warning that we must have.

I urge my colleagues to let this resolution remain unchanged by this amendment as they have with the other amendments that have been brought before us.

I expect Senator REID in the Chamber momentarily. I know he has a concluding matter by way of a unanimous consent request.

Before I, ask for regular order, I want to make certain that——

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that all time has not expired.

Mr. BYRD. What is the Chair saying, may I ask?

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that all time has not expired. Forty-five seconds remain to the Senator from Virginia, and 6 minutes remain to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Virginia for his courtesy. I am not going to use all 6 minutes. The Senator is correct.

The PRESIDING OFFICER. Has the Senator from Virginia yielded?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

The Senator is correct. The tools of war, the incidence of war, the timing of war has changed. But it has changed throughout our history. The principles, the rules of value, the norms and conduct which we apply today were applied starting in a much different era, and applied again and again as we saw ourselves move into an era of airplanes, into an era of intercontinental missiles. The same standards, principles, norms, conduct, and value remain.

I do not believe the war on terrorism is easy. But I also believe the United States has established an international reputation behind the rule of law—a reputation which I am afraid is going to be changed dramatically by this resolution. No longer will we wait for that imminent threat if this amendment is defeated. It is enough for us to assert that a country is a threat to the United States and begin a land invasion. And that, to me, is a dramatic change from where the United States has always been throughout its history.

I hope we will think twice about that. I have no illusions about the result of this vote. But to think we are going to make this wholesale change in foreign policy without the deliberations and hearings and without a direct debate, to me, is just wrong.

I think the Foreign Affairs Committee and others should have taken the President's new foreign policy suggestions directly and seriously and gone forward with them. Instead, through Saddam Hussein and the debate on Iraq, we are about to make a historic change in foreign policy which I hope we do not do.

In the interest of moving this to a vote, I not only yield the floor, but I yield the remainder of my time.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, if I might conclude, time doesn't permit

me to get into the doctrine of anticipatory self-defense, but I think at another opportunity we will have that debate, perhaps before we conclude this matter.

I think we are about to proceed as soon as the distinguished majority whip addresses the Senate.

Mr. REID. Mr. President, I haven't had a chance to speak to my friend from Virginia, but the chairman of the Foreign Relations Committee—if we could just get a unanimous consent request agreed to, which I am hopeful and confident we will—the Senator from Delaware wants to be recognized to speak.

Mr. WARNER. Mr. President, yes. I received this information. But I would be happy to allow our distinguished chairman time.

Mr. REID. We know others want to speak, but he is chairman of the committee, and he has been very quiet, which is unusual.

Mr. WARNER. I wouldn't suggest that he has been quiet, but I certainly want to recognize him and give him such time——

Mr. BIDEN. Mr. President, if the Senator will yield, let the RECORD show I have spoken about one-tenth the amount of time my friend from Virginia has, but not nearly with the persuasiveness he has. I want the opportunity to speak before the final vote.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Durbin amendment, Senator BYRD be recognized to speak for up to 2 hours; that upon the disposition of the Lieberman amendment, the joint resolution be read a third time; the cloture vote on the joint resolution be vitiated; the Senate proceed to the consideration of the House companion, H.J. Res. 114; the joint resolution be read a third time, and the Senate vote on final passage of that joint resolution; that the preamble be agreed to and that no amendments to the title be in order; and that S.J. Res. 45 be indefinitely postponed, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I had not intended to, but I just received a request from Senator MCCAIN that he be allowed to follow Senator BYRD's speech for not to exceed 30 minutes.

Mr. BIDEN. Mr. President, reserving the right to object, as chairman of this committee, I have yet to make a full speech on this subject. I have withheld for 3 days on the request of everyone else. I understand that.

Two things: No. 1, I just want to make sure I get to speak before the final vote; and, No. 2, that I speak at some point after Senator MCCAIN speaks and very close to Senator BYRD's speech.

Mr. REID. The Senator will speak after Senator MCCAIN.

I ask unanimous consent that be part of the request.

Mr. BIDEN. This is highly unusual. I can't think of another time when the chairman of the Foreign Relations has been denied an opportunity to speak when he wishes to. But I will be happy to yield, because I just want to be a nice fellow. But this is preposterous.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Delaware that at the request of the distinguished majority whip, which was agreed to, I will have two hours. This Senator will be glad to yield to the chairman of the Foreign Relations Committee the first one-half hour of my time.

Mr. BIDEN. Mr. President, there is no need for that. I just want an opportunity to make my speech. It will take about 35 or 40 minutes to lay out in the RECORD why this is an important position which we are all about to take.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

Mr. REID. Regular order, Mr. President.

The PRESIDING OFFICER (Ms. CANTWELL). The question is on agreeing to amendment No. 4865. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—30

Akaka	Dorgan	Mikulski
Bingaman	Durbin	Murray
Boxer	Feingold	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Inouye	Sarbanes
Carper	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Torricelli
Dayton	Leahy	Wellstone
Dodd	Levin	Wyden

NAYS—70

Allard	Ensign	McCain
Allen	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Nelson (FL)
Biden	Graham	Nickles
Bond	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Carnahan	Hollings	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cleland	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Johnson	Stevens
Collins	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lieberman	Voinovich
DeWine	Lincoln	Warner
Domenici	Lott	
Edwards	Lugar	

The amendment (No. 4865) was rejected.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, Senator BYRD has indicated to me and a number of us that he will not use the full 2 hours. In that we are waiting for him, I think it appropriate that the time of the quorum call I will make run against his allotted 2 hours. I ask unanimous consent that be the order.

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

Mr. REID. Madam President, I withdraw my unanimous consent request.

The PRESIDING OFFICER. Without objection, the request is vitiated.

Mr. REID. I ask the Senator from Arizona—he is entitled to a half hour after Senator BYRD speaks—if he would mind using that time now?

Mr. MCCAIN. I say to the Senator from Nevada, not only will I be glad to start using the time now, but when Senator BYRD returns to the floor, I will be glad to interrupt my speech for Senator BYRD.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I will proceed with my statement. If Senator BYRD arrives on the floor, I will interrupt it and yield to Senator BYRD.

In the history of nations, greatness is forged, or opportunity squandered, not by natural evolution or by the hand of mysterious Fate, but by decisions leaders make in times of potential or imminent peril. A common view in America is that these decisions are thrust on us—the world wars, Iraq's invasion of Kuwait, the attacks of September 11—and we find meaning, and honor, in our response. As Americans, that response is guided by faith in our founding principles, in our love of freedom, and the blessings of justice.

Yet leaders always have choices, and history teaches that hard choices deferred—appeasing Hitler, choosing not to deter Saddam Hussein in 1990, failing to act sooner against al Qaeda—often bring about the very circumstances we wished to avoid by deferring action, requiring us to react in freedom's defense.

America's leaders today have a choice. It will determine whether our people live in fear behind walls that have already been breeched, as our enemies plan our defeat in time we have given them to do it. It will answer the fundamental question about America's purpose in the world—whether we perceive our beliefs to be uniquely American principles or universal values, for if they are so dear to us that we believe all people have the right to enjoy them, we should be willing to stand up for them, wherever they are threatened.

It will reveal whether we are brave, and wise or reluctant self-doubting, and in retreat from a world that still, in its cruelest corners, possesses a merciless hostility to our values and interests. It will test us, as did September

11, except that we can choose to engage the enemy on our terms rather than wait for the battle to be brought to us.

Our choice is whether to assume history's burden to make the world safe from a megalomaniacal tyrant whose cruelty and offense to the norms of civilization are infamous, or whether to wait for this man, armed with the world's worst weapons and willing and able to use them, to make history for us.

It is a question of whether preemptive action to defeat an adversary whose designs would imperil our vital interests is not only appropriate but moral—and whether our morality and security give us cause to fire the first shot in this battle. It will help determine whether the greater Middle East will progress toward possession of the values Americans hold to be universal, or whether the Arab and Islamic worlds will be further influenced by a tyrant whose intent is to breed his own virulent anti-Americanism in all who fall under his influence, and use that influence to hurt us gravely.

The government of Saddam Hussein is a clear and present danger to the United States of America. Would that he were just another Arab dictator, pumping oil and repressing his people but satisfied with his personal circumstances within the confines of his country's borders. That situation alone would offend our sense of justice and compel us to militate for a regime change, but buy means short of preemptive military action. But Saddam Hussein has shown he has greater ambitions.

His ambitions lie not in Baghdad, or Tikrit, or Basra, but in the deserts of Kuwait and Saudi Arabia. They lie in Jerusalem and Tel Aviv, where he sponsors suicide bombings by Palestinians he calls ''martyrs'' and the civilized world calls terrorists, using murder by proxy to advance his aspirations to lead the Arab world and fan hatred of Israel, America, and the universal ideal of freedom. These ambitions have led him to attack his sovereign neighbors—Kuwait, Saudi Arabia, Israel, Iran and Bahrain. His will to power has so affected his judgment that he has started two major wars and lost them, each time imperiling his own grip on power.

His moral code is so spare that he has gassed his own people—horror the world thought it had left behind at Auschwitz and Treblinka. We are told that he enjoys watching video of his opponents being tortured, for fun. He kills not just his political opponents but their families, cruelly.

He has developed stocks of germs and toxins in sufficient quantities to kill the entire population of the Earth multiple times. He has placed weapons laden with these poisons on alert to fire at his neighbors within minutes, not hours, and has devolved authority to fire them to subordinates. He develops nuclear weapons with which he would hold his neighbors and us hostage.

No, this is not just another self-serving, oil-rich potentate. He is the worst kind of modern-day tryant—a conscienceless murderer who aspires to omnipotence who has repeatedly committed irrational acts since seizing power. Given this reality, containment and deterrence and international inspections will work no better than the Maginot Line did 62 years ago.

He has unrepentantly violated sixteen United Nations Security Council resolutions, defying the will of the international community so consistently, so compulsively, so completely that no leader who professes allegiance to the values the United Nations was formed to uphold can sanction his audacity. His defiance, if not ended, is a threat to every nation that claims membership in the civilized world by virtue of its respect for law and fundamental human values.

Because Saddam Hussein respects neither law nor values, advocating inspections of his weapons facilities as an alternative to war posits a false choice between ending the threat he poses peaceably or by force of arms. His character, his ambition, and his record make clear that he will never accept the intrusive inspections that, by depriving him of his arsenal of dangerous weapons, would deprive him of his power. This power gives him international stature, feeds his fantasy of being a Saladin for our time, and sustains his ability to repress his people and thus remain the rule of Iraq.

Saddam Hussein is on a crash course to construct a nuclear weapon—as he was in 1981 when Israel preemptively destroyed his reactor at Osirak, enabling U.S. forces to go into Iraq a decade later without the threat of nuclear attack, and as he was in 1990, when he thought development of such a weapon, if completed in time, would have deterred American military action against him, allowing him to secure his control over his neighbors and dominate the region.

Saddam has masterfully manipulated the international weapons inspections regime over the course of a decade, enabling him to remain in power with his weapons of mass destruction intact, and growing in lethality. He knows how to play for time, and how to exploit divisions within the international community, greased by the prospect of oil contracts for friendly foreign powers.

His calculated ambiguity about his willingness to accept a new inspections regime are intended to stave off military attack until such time as he is able to deter it through deployment of an Iraqi nuclear weapon. He is using opponents of war in America, including well-intentioned individuals who honestly believe inspections represent an alternative to war, to advance his own ends, sowing divisions within our ranks that encourage reasonable people to believe he may be sincere.

He is not. He has had ten years to prove otherwise, and he has transparently failed. His regime would be secure if he would only acquiesce to the international community's demands to disarm, but he has not. It is Saddam Hussein who puts his own regime at risk by developing these weapons. The burden is not on America to justify going to war. The burden is Saddam Hussein's, to justify whey his regime should continue to exist as long as its continuing existence threatens the world.

Giving peace a chance only gives Saddam Hussein more time to prepare for war—on his terms, at a time of his choosing, in pursuit of ambitions that will only grow as his power to achieve them grows. American credibility, American security, and the future of the United Nations Security Council rest on the will of the United States to enforce the legitimate demands of the international community for Iraq's disarmament, by means that match the menace posed by his ambitions.

Saddam Hussein's regime cannot be contained, deterred, or accommodated. Containment has failed. It failed to halt Saddam's attacks on five sovereign nations. The sanctions regime has collapsed. As long as Saddam remains in power, he will be able to deceive, bribe, intimidate, and attack his way out of any containment scheme.

Some say we can deter Saddam Hussein, even though deterrence has failed utterly in the past. I fail to see how waiting for some unspecified period of time, allowing Saddam's nuclear ambitions to grow unchecked, will ever result in a stable deterrence regime. Not only would deterrence condemn the Iraqi people to more unspeakable tyranny, it would condemn Saddam's neighbors to perpetual instability. And once Iraq's nuclear ambitions are realized, no serious person could expect the Iraqi threat to diminish.

As for accommodation, I am reminded of Winston Churchill's characterization of appeasement: continually feeding the alligator in the hope that he will eat you last.

I do not believe the threat posed by Saddam Hussein's regime will be eliminated until he is removed from power. Congress made the same point in 1998 when we passed the Iraq Liberation Act, which made regime change in Baghdad a priority of American policy.

Our regional allies who oppose using force against Saddam Hussein warn of uncontrollable popular hostility to an American attack on Iraq. But what would really be the effect on Arab populations of seeing other Arabs liberated from oppression? Most Iraqi soldiers will not willingly die for Saddam Hussein. Far from fighting to the last Iraqi, the people of that tortured society will surely dance on the regime's grave.

I wish the Bush administration and its predecessor had given more serious support to internal and external Iraqi opposition than has been the case. But it's a safe assumption that Iraqis will be grateful to whoever is responsible

for securing their freedom. Perhaps that is what truly concerns some of our Gulf War allies: that among the consequences of regime change in Iraq might be a stronger demand for self-determination from their own people.

I commend the President for making a strong case for bringing Iraq into compliance with its international obligations to the United Nations. The Security Council bears the responsibility for enforcing the obligations it has imposed on Iraq in order to uphold international peace and security. The President was right to tell our friends and allies on the Council that if it does not act, America will.

Diplomacy is important, and I welcome the diplomatic campaign the administration is waging to solicit the support of other nations. At the end of the day, we will not wage this war alone. Many nations are threatened by Saddam Hussein's rule, and many nations have a stake in the new order that will be built atop the ruins of Saddam Hussein's fascist state. Our friends and allies will help us construct this new order, and we should welcome that.

Our friends and allies must know that we do not target Saddam's regime simply because he is a bad man, although his continuation of his tyranny is a rebuke to every decent value of humanity. We contemplate military action to end his rule because allowing him to remain in power, with the resources at his disposal, would intolerably and inevitably risk American interests in a region of the world where threats to those interests affect the whole world.

For the United States to accept Saddam's continued rule is to acquiesce to the certain prospect of strategic blackmail when, soon, Saddam wields a nuclear weapon and threatens the destruction of Israel or the invasion of Saudi Arabia, or demands the withdrawal of all American forces from the region, and America finds itself forced to respond at much more terrible cost than we would pay today.

Failure now to make the choice to remove Saddam Hussein from power will leave us with few choices late, when Saddam's inevitable acquisition of nuclear weapons will make it much more dangerous to defend our friends and interests in the region. It will permit Saddam to control much of the region, and to wield its resources in ways that can only weaken America's position. It will put Israel's very survival at risk, with moral consequences no American can welcome.

Failure to end the danger posed by Saddam Hussein's Iraq makes it more likely that the interaction we believe to have occurred between members of al Qaeda and Saddam's regime may increasingly take the form of active cooperation to target the United States.

We live in a world in which international terrorists continue to this day to plot mass murder in America. Saddam Hussein unquestionably has strong incentives to cooperate with al Qaeda. Whatever they may or may not have in common, their overwhelming hostility to America and rejection of any moral code suggest that collaboration against us would be natural. It is all too imaginable. Whether or not it has yet happened, the odds favor it, and they are not odds the United States can accept.

To those who argue that America's threat to Saddam's rule makes it more likely that he would collaborate with terrorists to attack our homeland, I would ask: how can we sanction the continuing existence of a regime whose ruler has the capability to inflict such damage on us and would even consider doing so?

Standing by while an odious regime with a history of support for terrorism develops weapons whose use by terrorists could literally kill millions of Americans is not a choice. It is an abdication. In this new era, preventive action to target rogue regimes is not only imaginable but necessary. Who would not have attacked Osama bin Laden's network before September 11th had we realized that his intentions to bring harm to America were matched by the capability to do so? Who would not have heeded Churchill's call to stand up to Adolf Hitler in the 1930s, while Europe slept and appeasement fed the greatest threat to Western civilization the world had ever known? Who would not have supported Israel's bombing of Iraq's nuclear reactor in 1981 had we then known, as Israel knew, that Saddam was on the verge of developing the bomb?

Opponents of this resolution offer many questions that are designed to persuade the President to wait before moving against Saddam Hussein. They have every right to do so. But there is one question I don't want to be asked in the months and years ahead: ''Why did you give Saddam Hussein time to harm us?''

Weighing the costs of inaction is an important as chronicling the costs of action in blood and treasure as we prepare to confront Iraq in 2002. In an age of weapons of mass destruction and global terrorists bent on acquiring those weapons, the costs of inaction could well be catastrophic.

As we hold this debate today, this future is not preordained. We have choices. I hope we make the right one.

Politics has no place in this debate. Voting for a course of action that will send young Americans off to fight and die for their country is the most solemn responsibility every member of this Congress will undertake. Those of us who have the honor of bearing that responsibility must weigh our words, and consult our consciences carefully. By voting to give the President the authority to wage war, we assume and share his responsibility for the war's outcome. Others have neither that burden nor that privilege.

We have a choice. The men and women who wear the uniform of our country, and who might lose their lives in service to our cause, do not. They will do their duty, as we see fit to define it for them.

We have a responsibility to these men and women to judge responsibly when our security is so threatened that we must call on them to uphold their oath to defend it. When we call them to serve, they will make us proud. We should strive to make them proud by showing deliberation, judgment, and statesmanship in the debate that will determine their mission.

There is no such thing as a Democrat or a Republican war. We vote on this resolution in the same way brave young men and women in uniform will fight and die as a result of our vote-as Americans. The freedom and security Americans will continue to enjoy as history's greatest nation will be their legacy, and their honor.

They will do their duty. Ours lies before us. Its outcome will determine America's course in this century, in an age when waiting for imminence of attack is catastrophic.

In this age, liberating oppressed peoples from the tyranny of those who would do us harm serves not only narrow American interests but the ordered progress of freedom. The global success of liberty is America's greatest strategic interest as well as its most compelling moral argument. All our other interests are served in that cause. In it rests our faith in the greatness of America, the last, best hope of earth.

What ensures our success in this long struggle against terrorism and rogue leaders who conspire against us is that our military strength is surpassed only by the strength of our ideals. Our enemies are weaker than we are in men and arms, but weaker still in causes. they fight to express an irrational hatred for all that is good in humanity, a hatred that has fallen time and again to the armies and ideals of the righteous. We fight for love of freedom and justice, a love that is invincible. We will never surrender. They will. All we must do is stay true to our faith.

Mr. REID. I ask unanimous consent to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from West Virginia begins his remarks, I wish to say something publicly that I should have said privately. That is, I know a little bit about the rules of the Senate, but very little compared to the Senator from West Virginia.

I am not sure everyone appreciates how far along we are. This is a very important resolution we are debating no matter on what side of the resolution you are. The Senator from West Virginia has expressed his thoughts now for almost a week off and on. We would not be in the position we are today to finish this sometime tonight but for the Senator from West Virginia.

In my younger days when I would be involved in things physical, there is not anyone I would like to have next to

me than the Senator from West Virginia. He is a fighter. I have never come across many fighters like the President pro tempore of the Senate. I express my personal appreciation and that of all the Senators for the Senator allowing us to be in the position we are today to finish this resolution tonight.

The Senator from West Virginia has forgotten more about the Senate rules than I will ever know. I am searching for words to express my admiration and respect for the Senator from West Virginia. He is a fighter, but he is a fair fighter and is always willing to see the other side of the picture, even though we may not agree.

Senator BYRD, you have made my life and that of the Senate, while interesting today, a lot easier than it could have been. The Senator accomplished this. No one in the world could have expressed themselves with the sincerity of feelings and love of country and Constitution as has the Senator. I say again, thank you for allowing us to be in this situation we are in today.

Mr. MCCAIN. May I add to the comments of the Senator from Nevada. I find from my days trying to enact a line-item veto, the days when the Senator from West Virginia was the majority leader, that he has always treated me with the utmost courtesy and consideration. In all of my encounters, I have found him to be incredibly enlightening, very educational, and occasionally frustrating. I would like to thank Senator BYRD for setting the tone and the tenor of this debate at a level that I think was important to maintain and one that I think all Members of the Senate, no matter which side they are on on this issue, can be proud of as we will look back at this debate and this very important resolution that is being considered.

I thank the Senator from West Virginia. I look forward to hearing him for the next couple of hours.

I thank the Chair.

How much time do I have remaining on my time?

The PRESIDING OFFICER (Mr. DAYTON). Eight minutes.

Mr. MCCAIN. I ask unanimous consent to reserve the remainder of my time for Senator BAYH, who is one of the original cosponsors.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to begin. I read this quote:

> Naturally, the common people don't want war but, after all, it is the leaders of a country who determine the policy and it is always a simple matter to drag the people along. Whether it is a democracy or a fascist dictatorship or a parliament or a Communist dictatorship, voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for a lack of patriotism and exposing the country to danger. It works the same in every country.

Hermann Goering, 1893–1946, field marshal, German Army, founder of the Gestapo, President of the Reichstag, Nazi parliament, and convicted war criminal. Speech, 1934.

Mr. President:

> The moving Finger writes; and, having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line,
> Nor all your Tears wash out a Word of it.

So said the Persian poet, Omar Khayyam, in the 11th century.

And so I say today. The Senate has made clear its intentions on the Iraq resolution. There is no doubt, there is no question. The Senate has made its intentions indubitably clear. The outcome is certain. The ending has been scripted. The Senate will vote, and the Iraq resolution will pass.

I continue to believe that the Senate, in following this preordained course of action, will be doing a grave disservice to the Nation and to the Constitution on which it was founded.

In the newly published ''National Security Strategy of the United States,'' the document which I hold in my hand—''The National Security Strategy of the United States of America,'' date: September 2002, the document in which the President of the United States outlines the unprecedented policy of preemptive deterrence which the Iraq resolution will implement—the President asserts that: ''The constitution has served us well.''

There you have it, 31 pages, and that is the only reference to the Constitution of the United States that is made in this document titled ''The National Security Strategy of the United States of America.'' He asserts that: ''The constitution has served us well.'' That's it. That is the alpha and the omega of the reference to the Constitution, this great Constitution of the United States which creates the Presidency of the United States, which creates a bicameral legislative body, which creates the judicial branch of this great Nation—provides for it. That is all it says about the Constitution. He asserts that ''the Constitution has served us well.''

And note, too, that the word ''constitution'' as mentioned in the President's document is in lower case. It doesn't begin with a capital letter, it begins with a lower-case letter, ''the constitution.''

I have a constitution. The Senator from New Mexico has a constitution. His constitution, which was given to him by his Roman ancestral forebears, that is his constitution. He is strong, he is weak, he has strong mental processes, he has a good heart, or whatever it is—his constitution, lower case. But this Constitution is with a capital C. This administration doesn't believe that it merits a capital C even, and only mentions, as I say, one time in passing that ''the Constitution has served us well.''

That, apparently, is what this administration thinks of the Constitution. And it references the Constitution as though it were some dusty relic of the past that needs to be eulogized before it is retired. And so it says: ''The constitution has served us well.''

He is wrong about that. The Constitution is no more dated than the principles that it established than is this great book that I treasure above all books, this great book right here.

The President is wrong. The Constitution is no more dated in the principles it established than is the Holy Bible.

The Constitution continues to serve us well, if only we would take the time to heed it.

I am deeply disappointed that this Senate, which I have believed in for all these many years—and which God and the people of West Virginia have blessed me to experience, 44 years come next January 3rd—I am deeply disappointed the Senate is not heeding the imperatives of the Constitution and is instead poised to hand off to the President of the United States the exclusive power of Congress to determine matters of war and peace—to declare war.

I do not in my heart believe this is what the American people expect of the Senate.

I have had many occasions in which to stand and laud the Senate, and to renew my expression of deep belief in the Senate of the United States as an institution. I have done that many times. But I am deeply disappointed the Senate is not heeding the imperatives of the Constitution, and is instead poised, as I say, to hand over to the President the exclusive power of Congress to determine matters of war and peace.

I do not in my heart believe this is what the American people expect of the Senate.

I have heard from tens of thousands of people—people from all across this country of ours—people from every State in the Union, from New Mexico to Florida to California to the State of Washington, and to the States of Wisconsin, Minnesota, West Virginia, New York, and all in between. I have heard from thousands of Americans who have urged me to keep up the fight—almost 50,000 e-mail letters within the last 5 days, and more than 18,000 telephone calls to my office in the last 5 days—urging me to keep up the fight. So they are listening, and they want to hear more.

If Senators don't think for a moment that people are listening to this Senate debate, the people are listening. They want to be informed. They have questions they want answered.

When I came to this body, we didn't have televised coverage. We didn't have a radio. We didn't even have radio coverage of the debates in this Senate. I can remember that when a Senator stood to his feet, other Senators gathered closely. They moved up close in their seats to listen to that Senator. We had no public address system in

this Chamber. But they were being informed by the Senate debates. The people were being educated and informed as to the great issues of the day. The Senate was an institution which did inform the people. We spent days upon days on the great issues that came before this Senate—more than 100 days, for example, on the Civil Rights Act of 1964, more than 100 days. This institution did its duty to the American people by informing them of the issues of the day, and by debating those issues—Republicans and Democrats. The aisle was not as wide in those days as it is now. Sometimes I think it is a great canyon here, a great chasm that separates the Democratic and the Republican parties in this Senate. But not so then. We disagreed from time to time.

But I can remember. If I were to take the time now, I could call the names of the faces who in my dreams come back to me—the faces of those who sat in those seats years ago, decades ago. They were men. There was only one woman at that time, Margaret Chase Smith of Maine. But Senators, Republicans and Democrats, joined in informing the people through the process of debate.

I am only one Senator from a very small State. Yet, as I say, within the past week, I have received nearly 20,000 telephone calls and nearly 50,000 e-mails supporting the position I have taken on this floor. This is not counting the calls and the e-mails that have come in to my State office in Charleston, WVA.

I want all of those people across America, out there across the plains, the Great Rockies, across the Mississippi, and to the Pacific coast, from the gulf coast to the Canadian border—I want all those people who took the time to contact me to know how their words have strengthened, heartened me and sustained me in my feeble efforts here to turn the tide of opinion in the Senate.

''The iron will of one stout heart shall make a thousand quail.''

These are my heroes—the people out there who have called, who have written, and who have told me in person as I have walked across the street. They are my heroes. And I will never forget the remarkable courage and patriotism that reverberated in the fervor—in the fervor—of their messages. I gave them hope because they love this country. And they love this Constitution. Senators all know that. The people out there love this Constitution. They love this Constitution. All of the people out there do.

So they are my heroes.

As the Apostle Paul, that great apostle, said, ''I have fought a good fight, I have finished the course, I have kept the faith.''

There are Americans all across this country in every State of this Union who have joined in spirit with me and with a small band of like-minded Senators in fighting the good fight.

We could stay here on this floor and continue to fight. They say, well, we might stay here until 4:30 in the morning. Come on. Come on.

I am thinking of the words of Fitzjames in ''The Lady of the Lake,'' when he stood there before Roderick and said: ''Come one, come all! this rock shall fly From its firm base as soon as I.'' So come on. Let's see the clock turn to 4:30 in the morning. Who cares what time it is as long as we are speaking for our country?

So I say to the distinguished Senator who presides over this Chamber tonight, whose forebear and ancestral relative signed his name at the Constitutional Convention on September 17, 1787—his name was Dayton, Jonathan Dayton. This is his relative who presides over the Senate at this moment.

So we could continue this fight. Let me tell you, ladies and gentlemen, there are several checkpoints—I will call them checkpoints—at which, under the rules, I could cause the Senate to have to go through another cloture and another 72 hours. I could do that. And I would have no hesitancy, not any, in doing it if I did not know the Senate has already spoken.

Also, there is a point at which it becomes time to accept reality and to regroup. It is clear we have lost this battle in the Senate. The next front is the White House. I urge all those people who are following the debate out there, and who have encouraged me in my efforts, and have encouraged the other Senators who have stayed with me firmly—without faltering, without fainting, and without wavering—I urge the people to keep on in their behalf, who have encouraged us in our efforts, I urge them to turn their attention to the President of the United States. Call him, write him, e-mail him, urge him to heed the Constitution and not short circuit this Constitution by exercising the broad grant of authority the Iraq resolution provides.

The President has said on many occasions that he has not yet made up his mind to go to war. And here we are, we have been stampeded into this moment, when we will soon approve this resolution.

Let me say again, there are several checkpoints at which we could play this record over and over again. For example, the title of the resolution could be amended. How about that? And then there is going to be a House resolution coming over to this body, and there is going to be a request, I suppose, after the Senate votes on that resolution, a request to insert the words of the Senate, which are likewise the same words, so that it will have a House number. And there would have been a place.

I will not go through all these places. But we could fight on. No, we would not finish at 4:30 tomorrow morning, we would not finish it at 4:30 the next morning, if we wanted to. I hope the leadership and the Senators will all understand that. I am not bragging. Dizzy Dean said: It's all right to brag if you have done it. We could do that. We could do that. But what good would it do? What good would it do? The course of destiny has already been set by this Senate.

So the President has said on many occasions he has not made up his mind to go to war. When he does make up his mind, if he does, then he should come back to Congress and seek formal authorization.

Let those high-powered lawyers of the White House tell him otherwise. They are going to stand by their client, I suppose. But they did not go to the same law school I went to. They probably did not have to work as hard as I had to work. Their wives may not have worked as hard as my wife to put me through law school. Well, so much for that.

Let him come back to the Congress for authorization.

Mr. President, I continue to have faith in our system of Government. It works. I continue to have faith in the basic values that shape this country, this Nation. Ours was a great country before it became a great nation. Those values do not include striking first at other countries, at other nations. Those values do not include using our position as the strongest and most formidable Nation in the world to bully and intimidate other nations.

There are no preemptive strikes in the language of the Constitution, I do not care what other Senators say. Those values do not include putting other nations on an enemies list so we can justify preemptive military strikes.

Were I not to believe in the inherent ability of the Constitution to withstand the folly of such actions as the Senate is about to take, I would not stop fighting. Yes, he is 85—85. I will be 85 years old 41 days from now if the good Lord—if the good Lord—lets me live. But don't you think for a moment I can't stand on this floor all the rest of this night. I like to fight when I am fighting for the Constitution and for this institution. I will fight until I drop, yes, fight until they hack my flesh to the bone. I would fight with every fiber in my body, every ounce of my energy, with every parliamentary tool at my disposal—and there are parliamentary tools at my disposal; don't you ever think there are not—but I do believe the Constitution will weather this storm. The Senate will weather the storm as well.

I only hope that when the tempest passes, Senators will reflect upon the ramifications of what they have done and understand the damage that has been inflicted on the Constitution of the United States.

Now, those people out there believe in the Constitution. And I have been very disappointed to have stood on my feet—an 85-year-old man, standing on his feet, and pleading with his colleagues to stand up for the Constitution—I have been disappointed that some of them seem not to have listened at all. That is a real disappointment. It

isn't ROBERT C. BYRD who counts; it is the Constitution of the United States. And but for that Constitution, they would not be here, I would not be here, and you, Mr. President, would not be here. It is that Constitution.

And we all take an oath, a solemn oath, to support and defend the Constitution of the United States against all enemies, foreign and domestic.

In the greatest oration that was ever delivered in the history of mankind, the oration ''On the Crown,'' delivered in the year 331 B.C. by Demosthenes in his denunciation of Aeschines, he asked this question: Who deceives the state?

He answered his own question by saying: The man who does not speak what he thinks. Who deceives the state? The man who does not speak what he thinks.

I believe we ought to speak what we think. A political party means nothing, absolutely nothing to me, in comparison with this Constitution which I hold in my hand. It means nothing, political party means nothing to me, in comparison with this great old book which our mothers read, the Holy Bible.

It seems to me that in this debate—thinking about the 50,000 e-mails that have come to this country boy from the hills of West Virginia, 50,000 e-mails, almost 20,000 telephone calls; my wonderful staff have been hard-pressed to take all these calls and log them in—the American people seem to have a better understanding of the Constitution than do those who are elected to represent them.

Now, that is a shame, isn't it? I feel sorry for some of my colleagues. I love them; bless their hearts. I love them. I forgive them. But you might as well talk to the ocean. I might as well speak to the waves as they come with the tides that rise and fall. I might as well speak to the waves, as did King Canute, as to speak to some of my colleagues. They won't hear me. And it isn't because it is ROBERT BYRD. They just don't want to hear about that Constitution.

That is what these people are writing me about. Perhaps it is that their understanding, the understanding of the people, the great mass of people out there, it may be that their understanding of the Constitution has not yet filtered through the prism of the election year politics. That's it—the election year politics.

I believe the American people have a better understanding of what the Senate is about to do, a greater respect for the inherent powers of the Constitution, and a greater comprehension of the far-reaching consequences of this resolution, a greater comprehension than do most of their leaders.

I thank my colleagues who have allowed me to express at considerable length my reasons for opposing the resolution. I thank those Senators, such as the Senator who presides over the Senate at this very moment, I thank those Senators who have stood with me in my fight for the Constitution and for this institution and for that provision in the Constitution that says, Congress shall have power to declare war.

I thank those Senators who have engaged in thoughtful debate with me. I thank Senator MCCAIN. I thank Senator WARNER. I thank these men. They stood up for what they believe. They stood up for this administration. The only difference is, I will stand for no administration—none—when it comes to this Constitution. If the administration took a position opposite that Constitution, forget it. I don't care if it is a Democrat.

I do not believe the Senate has given enough time or enough consideration to the question of handing the President unchecked authority to usurp the Constitution and declare war on Iraq. I have no brief for Iraq. But I accept the futility of continuing to fight on this front. So I could keep us here all night tonight. I know there would be other Senators who would stand with me. Other Senators believe as I do. I could keep us here tomorrow. I could keep us here through Saturday. I would hope we would not be in on Sunday. That is the Sabbath Day. But come back on next Tuesday, have at it again, until the flesh from my bones be hacked.

I say to the people of America, to those who have encouraged other Senators and me to uphold the principles of the Constitution: Keep up the fight. Keep fighting for what is right. Let your voices be heard.

Why do you think George Washington crossed the Delaware? I say to my good friend from Delaware, JOE BIDEN, my esteemed friend, my esteemed colleague. He crossed the Delaware, I say to my friend FRED THOMPSON—Senator FRED THOMPSON, we are going to soon miss him. I like him. I like him. He always speaks with great passion and fervor, and he is always respectful of other Senators. He was here during the days of Sam Ervin, Howard Baker, the days of Watergate, that Senator from Tennessee.

Let me say, I will always listen to you, the people out there, and I hope the President will begin to listen to you.

If the President really wants to do something for this country, let him help to fight the war at home. This week, we will soon be passing another CR. Time and time again, the President's Attorney General and the Director of Homeland Security have put the Nation on notice that there is an imminent threat of another terrorist attack to our homeland. And from time to time, they have even identified the most likely targets, such as our nuclear powerplants, our transportation infrastructure, our Nation's monuments, our embassies. They have told our citizens to be vigilant about this imminent risk.

What has the President done to respond to this imminent risk of terrorist attack on our Nation's shoulders? The President has proposed to create a new bureaucracy. He has proposed to move boxes around on an organization of flowcharts. He has proposed to create the second-largest domestic agency in the history of the Republic. Even the President recognizes that actually creating the new Department of Homeland Security will take at least 1 year.

I tell you, my friends, if I ever saw a good lawyer, he sits right here on the back row, right now—that Senator from Tennessee, FRED THOMPSON. Why do I say that? Because he made the most rousing defense of this sorry resolution that is before the Senate and on which we will soon vote, the most rousing defense of it. And yet he is against it. He is against it. That is what I call a good lawyer; he makes a rousing defense of this thing which he hates.

Even the President recognizes that actually creating the new Department of Homeland Security will take at least 1 year. The GAO has said it will take at least 5 to 10 years for a new Department to be effected.

So while our citizens are facing this imminent risk, under the President's proposal, the agencies responsible for securing our borders, such as the Customs Service, the Immigration and Naturalization Service, and the Coast Guard, will spend the next year or more figuring out for whom they work, with whom they work. Instead of focusing on their mission, our border agencies and inspectors will be wondering whether their units will be reorganized or transferred to new locations, and they will be wondering where their phones are, where their computers are, and whether their jobs are going to be eliminated. And what would be happening in the meantime? Who will be keeping the store and watching the terrorists?

Reorganizing our bureaucracy will not improve our Nation's immediate capacity to deter or respond to the imminent threat of a terrorist attack. Since September 11, the Senate Appropriations Committee has focused on providing immediate resources to Federal, State, and local agencies and first responders in order to improve our capacity to respond to this evolving threat.

On September 14, 2001—just 3 days after the horrific attacks on September 11—Congress approved $40 billion. That is $40 for every day since Jesus Christ was born. Congress approved $40 billion, including $9.8 billion for homeland defense. Resources were provided to the FBI to hire more agents and to improve their computers; to State and local governments to improve the capacity of our hospitals and clinics to respond to chemical or biological weapons attacks; to State and local governments to train and equip our law enforcement and fire personnel to respond to attacks; for HHS to purchase smallpox vaccine for USDA; to the FDA to protect our food safety; to the Postal Service to purchase equipment that can protect the mail—where have you been, Mr. President? That is what

Congress did—for the FAA to secure cockpits and to improve the security of our airports; to the Department of Transportation for port security; to the Energy Department to help secure our nuclear facilities; to Customs and INS for additional border security inspectors and agencies, and for improved training and equipment.

To listen to the President, he is the only person who has been thinking anything about homeland security. Here is the great Congress of the United States that has been providing moneys for the defense of our country.

Despite objections from the White House, Congress was able to increase funding for homeland security programs by $3.9 billion. Where have you been, Mr. President? If you want to do something, do something here at home.

On November 14, 2001, Senate Democrats supported the inclusion of $15 billion for homeland security in an economic stimulus package, including $4 billion for bioterrorism and food safety; $4.6 billion for law enforcement and responsive initiatives; $3.2 billion for transportation security: and $3 billion for other homeland security programs, including mail screening and protection for our nuclear plants and labs, water projects, and other facilities.

Where has he been, Mr. Commander in Chief? Out on the campaign trail raising money for the campaign? This is what Congress has been doing.

On November 14, 2001, the White House strongly objected to the amendment, asserting that existing funding was ''more than adequate to meet foreseeable needs.''

Now, who is fighting for homeland security? Under pressure from the White House, Senate Republicans, objecting to the emergency designation for the homeland security funding, raised the Budget Act point of order. Efforts to waive the budget point of order failed. On December 4, 2001, the Appropriations Committee reported out, by a vote of 29 to 0, the Defense appropriations bill for fiscal year 2002.

In addition to the $20 billion appropriated on September 14, the bill would have provided $7.5 billion in additional homeland security funds, including $3.9 billion for bioterrorism and food safety; $1.3 billion for antiterrorism law enforcement; $1.43 billion for security of mail and nuclear facilities; $879 million for transportation and border security. The bill would also have provided an additional $7.5 billion to FEMA's disaster relief account for activities and assistance related to 9/11.

On December 5, 2001, in a meeting with congressional leaders, President Bush threatened to veto the Defense appropriations bill because of funding ''that is not needed at this time.''

On December 6, 2001, Senate Republicans objected to the emergency designation for the homeland security funding in the Defense appropriations bill and raised the Budget Act point of order. Efforts to waive the budget point of order failed.

On December 7, 2001, after negotiations with Senate Republicans, homeland security programs were reduced by over $3.6 billion. The Senate then passed the Defense appropriations bill. In April and May of 2002, the Senate Appropriations Committee held five bipartisan hearings, led and conducted by Senator TED STEVENS and me, concerning the defense of our homeland. Senator STEVENS and I, and others on that committee, Republicans and Democrats, heard from Governors and from mayors. We heard from firemen, law enforcement, and emergency medical personnel. We heard from specialists in the field of counterterrorism. Based on those hearings, the Committee on Appropriations in the Senate produced a bipartisan supplemental appropriations bill to continue our effort to provide immediate resources to improve our Nation's capacity to deter and respond to terrorist attack.

On May 22, 2002, the Senate Appropriations Committee, by a vote of 29 to 0, reported out a supplemental appropriations bill that included $8.3 billion for homeland defense programs.

Once again, on June 4, 2002, the President threatened to veto the bill because he believed it contained unnecessary homeland security spending.

On June 7, 2002, the Senate passed the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States. The bill provided $8.3 billion for homeland security programs, including the following amounts above the President's request: $265 million for airport security funds; $646 million for first responder programs; $716 million for port security. However, under pressure from the White House, conferees on that bill were forced to reduce homeland security funding from $8.3 billion to $6.7 billion—under pressure from the White House.

In negotiations with House Republicans, homeland security funding was dropped for cybersecurity, for improved capacity for the Centers for Disease Control to investigate potential biological attacks, for airport security, for the Coast Guard, and for the Customs Service.

On July 24 of this year, the Senate passed the conference report to the Supplemental Appropriations Act for further recovery from and response to terrorist attacks on the United States. Get this now; we are talking about war here, the war on terrorism. Where? Here in this country. This act reduced the $8.3 billion for homeland security appropriated by the Senate to $6.7 billion.

Did the White House agree to fund the full $6.7 billion for homeland defense programs? Did it?

No. The White House talks a good game on homeland defense, but the White House support is more about rhetoric than it is about resources. In order for the President to spend $2.5 billion for homeland defense spending, it was necessary for him to do what? Just sign his name on a document designating the funding as an emergency requirement.

What did the President choose to do? Did he choose to sign his name and start that $2.5 billion to flowing into the States and counties and municipalities of this country? No. The President chose not to make that designation.

In making that decision, he terminated $2.5 billion of funding for the FBI, funding to train and equip our Nation's firefighters, funding for the Corps of Engineers to help ensure our water supply, funding for security at nuclear facilities, funding for the Coast Guard.

Now tell that, Mr. President, at your next campaign stop, your next fundraiser when you are talking about making war on Iraq. Tell the people there what I have been reading. It is fact. These are for the record.

One of the lessons we learned at the World Trade Center on September 11 was that our fire personnel could not communicate by radio with police personnel; that local officials could not communicate with State and regional personnel.

When the President decided to block the $2.5 billion, he blocked the $100 million that we approved to help State and local governments across the land to solve the problem, and $90 million to provide medical assistance to the first responders at the World Trade Center was lost.

What is the President's solution for the imminent threat to our Nation's homeland security? Rhetoric? Yes. More bureaucracy? Yes. Resources to respond to the immediate threat? No.

Mr. President, with reference to this Commander in Chief business that we hear about—oh, the Commander in Chief, they say. I listen to my friends across the aisle talking about the Commander in Chief. We must do this for the Commander in Chief; we must stand shoulder to shoulder with the Commander in Chief. The Commander in Chief. Of what is he Commander in Chief? The army, the navy, and the militia of the several States. But who provides the army and the navy? Who provides for the calling out of the militia of the several States? Congress. So much for the the term ''Commander in Chief.''

Charles I used that term in 1639—Commander in Chief. You know what happened to Charles I of England? The swordsman cut off the head of Charles I on January 30, 1649. So much for Commander in Chief.

Parliament and the King of England fought a war. Can you imagine that? Can you imagine Congress fighting a war with the President of the United States? They did that in England. Yes, Parliament and the King fought a war. Who lost? The King. Who was it? King Charles I. A high court convened on January 1, I believe it was, 1649, and in 30 days they cut Charles I's head off—severed it from his body. So much for

Charles I. That was the Commander in Chief. Yes. Hail to the chief.

I respect the President as much as anybody else. But the Barons at Runnemede on the banks of the Thames on June 15, 1215, took it upon themselves to let the King know that there was a law, and that Kings had to live by the law, just as did barons and others.

I do not know who is talking to this President down here. I do not know who among his crowd down there is trying to pump him up, but my friends, this President of the United States is the President by virtue of this Constitution. He is created by this Constitution that I hold in my hand, which says in article II that the President shall be Commander in Chief. And yet this refers to the Constitution in this national security strategy of the United States of America printed on September 2002. It refers to the Constitution not even with a capital letter.

The Constitution of America—what is the matter with those people? Haven't they studied the Constitution down at the other end of the avenue? They better become aware of it. This is the Constitution, and that Constitution refutes this resolution on which Congress is about to vote to give to the President of the United States power to determine the use of the military forces, when he will use them, where he will use them, how long he will use them. It is this Constitution. You better believe it, may I say to those who advise the President.

I think the President is probably a much better individual by himself, but somebody is giving him bad advice.

Here is what Hamilton says. Let's read what Hamilton says. He is one of the three authors of the ''Federalist Papers.'' Hamilton, who was shot to death in Weehawken, NJ, on the 11th of July, 1804. He died on the 12th of July, 1804; shot by the Vice President of the United States; murdered by the Vice President of the United States. Let's hear what Alexander Hamilton has to say in the Federalist Paper No. 69. Read it. These are the ''Federalist Papers.'' There are 85 of them written by Jay, Hamilton, and Madison. Let's hear what he says about the Commander in Chief. I want the Commander in Chief to hear me. I want the Commander in Chief to hear not what ROBERT BYRD said—who is he?—but read what Alexander Hamilton said:

> The President is to be the ''commander-in-chief'' of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. . . .In most of these particulars, the power of the President will resemble equally that of the king of Great Britain and of the governor of New York. The most material points of difference are these:—First. The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York have at all times the entire command of all the militia within their several jurisdictions. In this article, therefore—

Talking about this article of the Constitution—

> In this article, therefore, the power of the President would be inferior to that of either the monarch or the governor. Second. The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it.

Get that down there at the other end of the avenue. Read it.

> Second. The President is to be commander-in-chief. . . .It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

That is Hamilton.

I am reading from the Federalist Papers. Perhaps I ought to send a copy down to the White House. I will see if I can't do that. I will send them a copy. It will not cost them anything, just a gift from ROBERT C. BYRD.

Now, I have a little more to say. Suffice it to say there are other of my colleagues, and I, who have stood on this floor and we have pointed to the Constitution of the United States. We have said time and time again, as we have offered amendments, to try to uphold this Constitution of the United States, read those amendments. They went down, I am sorry to say, but I am not discouraged.

Let me read some verses from the Book of Luke in the Holy Bible, beginning with chapter 16, verse 19 and continuing through verse 31:

> There was a certain rich man, which was clothed in purple and fine linen, and fared sumptuously every day. And there was a certain beggar named Lazarus, which was laid at his gate, full of sores, and desiring to be fed with the crumbs which fell from the rich man's table. Moreover the dogs came and licked his sores. And it came to pass that the beggar died, and was carried by the angels into Abraham's bosom. The rich man also died, and was buried.
>
> And in hell he lift up his eyes, being in torments, and seeth Abraham afar off, and Lazarus in his bosom. And he cried and said, Father Abraham, have mercy on me, and send Lazarus, that he may dip the tip of his finger in water, and cool my tongue; for I am tormented in this flame.
>
> But Abraham said, Son, remember that thou in thy lifetime receivedst thy good things, and likewise Lazarus evil things; but now he is comforted and thou art tormented. And beside all of this, between us and you there is a great gulf fixed; so that they which would pass from hence to you cannot. Neither can they pass to us, that would come from thence.
>
> Then he said, I pray thee therefore, father, that thou wouldest send him to my father's house; For I have five brethren: that he may testify unto them, lest they also come into this place of torment. And Abraham saith unto him, They have Moses and the prophets; let them hear them. And he said, Nay, father Abraham; but if one went unto them from the dead they will repent. And he said unto him, if they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead.

There you have it. We can speak until we are blue in the face, we can speak until our tongues fall out, and they will not hear us. So if there were those who were brought from the dead, would some listen?

Some would; some would not.

We have spoken. We have spoken out of our hearts, and we can speak until our hearts fall from our bodies, but some would not hear. Let those who will not hear understand that this Constitution will endure. It will endure because it was written, as John Marshall said, to endure for the ages.

In closing, I want to thank my dear friends in this Senate who have stood in this Chamber day after day in the effort to educate our people.

The Senate is a great institution, but somehow I think we are failing. We are failing to educate the people. Why? Because we do not want to spend enough time. How much time have we spent on this resolution as of yesterday at 4 p.m.? A little over 25 hours on this bill—25 hours. Why, many of the larger municipalities in this country would spend a week on an application for a sewer permit. And here we spend 2 days?—that is what it amounts to, 25 hours—and we are ready to quit.

We know we might as well quit because this cloture rule is being used against us. Why at this critical time, when we are discussing the most critical legislation we have had before the Senate this year, the most critical legislation we may have in a long time? We have been stampeded, we have been rushed, and it is unfair to the people of this country. Yet it has to be that way.

I have letters from constitutional scholars in response to my inquiry of them as to the war powers of the United States Congress. I received several letters from constitutional scholars from around the country, and I ask unanimous consent that they be printed in the RECORD: A letter by Jane E. Stromseth, professor of law, Georgetown University Law Center; a letter from Tufts University, the Fletcher School of Law and Diplomacy, a letter signed by Michael J. Glennon, professor of international law.

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

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, DC, August 26, 2002.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: Thank you for your letter of July 22, asking for my opinion regarding whether the Bush Administration currently has sufficient constitutional and/or statutory authority to introduce U.S. Armed Forces into Iraq for the purpose of removing Saddam Hussein from power. This question is of vital importance to our country and our Constitution, and I appreciate the opportunity to address it.

The answer to your question requires an interpretation of the Constitution and of several statutes, and it also depends on the factual circumstances surrounding any contemplated military action. As I discuss below, if the United States or its armed

forces are subject to attack or imminent attack by Iraq, the President can invoke his constitutional authority as Commander in Chief to repel sudden attacks. Also, if the President establishes a direct link between Iraq and the attacks of September 11, he can invoke S.J. Res. 23 (Pub. L. No. 107–40) as statutory authority to commit U.S. forces to Iraq. However, based on the facts as they have been presented by the Bush Administration as of August 26, 2002, neither an imminent attack by Iraq nor a clear link between Iraq and the September 11 attacks have been established. Moreover, given the likely scale and risks of a U.S. military action to remove Saddam Hussein from power, the commitment of U.S. forces to Iraq to impose a regime change would constitute a war requiring prior congressional authorization, which, absent a connection to the September 11 attacks does not presently exist. While serious arguments can be advanced that the 1991 Gulf War authorization, coupled with subsequent legislative action, provide statutory authority to use U.S. armed forces to remove Saddam Hussein as part of enforcing the Gulf War cease-fire resolution (UN Security Council Resolution 687), those arguments ultimately fall short on close examination. In sum, whether commencing U.S. military action against Saddam Hussein, in circumstances outside a link to Sept. 11 or an attack or imminent attack against the United States, is a wise policy is a question on which reasonable people can disagree; it is also a question that ought, under our Constitution, to be debated by Congress and its authorization secured before any such military action commences. The basis for these conclusions is set forth full below.

First Principles

As you know well, the Constitution's war powers provisions are part of a structural system of checks and balances designed to protect liberty by guarding against the concentration of power. The Constitution gave Congress the power to declare war because the Founders believed that such a significant decision should be made not by one person, but by the legislature as a whole, to ensure careful deliberation by the people's elected representatives and broad national support before the country embarked on a course so full of risks. As James Madison put it: ''In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislation, and not to the executive department . . . [T]he trust and the temptation would be too great for any one man. . . .''[1] The Founders, in short, vested the power to decide whether the country should go to war in the Congress to ensure that the decision to expose the country to such sacrifices and costs reflected the judgment and deliberation of the legislative branch as a whole.

At the same time, the framers wanted a strong Executive who could ''repel sudden attacks'' and act with efficiency and dispatch in protecting the interests of the United States in a dangerous world. By making the President Commander in Chief, moreover, they sought to ensure effective, unified command over U.S. forces and civilian accountability. My best reading of the constitutional sources is that the Founders expected the President, as Commander in Chief and Chief Executive, to protect the United States in a dangerous and uncertain world by repelling attacks or imminent attacks against the United States, its vessels, and its armed forces, but not, on his own, to go beyond this authority and commence war without congressional authority. The Founders, in short, made a clear distinction between defending against attacks initiated by others and commencing war.

Historical practice since the Constitution's ratification has not fundamentally altered how we should understand the Constitution's allocation of war powers today. On the contrary, practice cannot supplant or override the clear requirements of the Constitution, which gives the power to declare or initiate war to Congress. Furthermore, of the dozen major wars in American history, five were formally declared by Congress and six were authorized by other legislative measures.[2] Whatever conclusions one might reach about small-scale uses of force, which admittedly raise more complicated issues, the fact remains that major wars have been authorized by Congress.[3]

The War Powers Resolution (Pub. L. No. 93–148) aims to ''insure that the collective judgment of both the Congress and the President'' apply to the introduction of U.S. forces into hostilities and to the continued use of those forces. Moreover, it seeks to enable the Congress to better fulfill its constitutional responsibilities by requiring the President ''in every possible instance'' to ''consult with Congress before introducing'' U.S. armed forces into hostilities or imminent hostilities. Among its other provisions, the War Powers Resolution makes clear, in Section 8(a), that authority to introduce U.S. Armed Forces into hostilities or imminent hostilities ''shall not be inferred . . . from any provision of law . . . , including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.'' This clear-statement rule is designed to serve the constitutional purpose of ensuring a clear and deliberate congressional authorization of force. Thus, when Congress authorized commencement of the Gulf War in 1991, and again when Congress authorized the use of force in response to the September 11 attacks, it expressly affirmed that it was providing specific statutory authorization within the meaning of the War Powers Resolution.

Moreover, the War Powers Resolution makes clear that it is not intended ''to alter the constitutional authority of the Congress or of the President,'' nor shall it ''be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities . . . which authority he would not have had in the absence of this joint resolution.'' (Section 8(d)(1) and 8(d)(2)). Thus, contrary to claims sometimes made, the War Powers Resolution does not authorize the President to commit U.S. forces to war for 60 days.[4] On the contrary, because the Constitution requires congressional authorization to commence war, the War Powers Resolution should not be read to confer such authority on the President. Congress thus expressly authorized the 1991 Persian Gulf War and certainly did not view the War Powers Resolution as obviating the need for such authorization. (I have attached my summary of the congressional debate preceding the Gulf War as an appendix to this letter).

Military Action Against Iraq for the Purpose of Removing Saddam Hussein from Power

If the President were to commit U.S. armed forces to Iraq for the purpose of removing Saddam Hussein from power, the United States would be embarking on what likely would be a major and sustained commitment of military forces in a campaign that would involve enormous risks and substantial potential casualties. In order to commit U.S. forces to such a military action, the President would need authority to act.

Constitutionally, the President possesses the power to repel sudden attacks, which, in my view, includes the power to forestall imminent attacks against the United States and its armed forces, and to protect Americans in imminent danger abroad.[5] In an age of terrorism, there may well be direct and imminent threats to the United States that require an immediate defensive response by the President and constitute a legitimate exercise of the international right of self-defense. But, at this point, the President has not offered evidence of an imminent attack by Iraq on the United States or its forces. The purpose behind the President's power as Chief Executive and Commander in Chief to ''repel sudden attacks'' is to give the President the flexibility to act to defend the United States when there is not time to consult with Congress. But the decision to go beyond this and to commence a war is vested in Congress. Moreover, there is time for a thorough legislative debate regarding Iraq; the United States and its forces are not currently being attacked; military forces would be built up over a period of time before military action could be commenced; and ample time exists to consult with Congress and seek its authorization to use force.

Major military action with far-reaching objectives such as regime change is precisely the kind of action that constitutionally should be debated and authorized by Congress in advance. Under present circumstances, which admittedly could change, military action against Iraq to force a change in regime would pose significant risks to U.S. forces, including risks of Iraqi retaliation with weapons of mass destruction, and risks of a larger conflict in an already hemoraging Middle East. Initiating a military confrontation of this nature would be a decision to engage in war that is precisely the kind of decision the Founders vested in Congress by virtue of its power to declare war. Moreover, the purposes behind that power (ensuring deliberation, democratic consensus and national unity before

[1] James Madison, in Alexander Hamilton & James Madison, Letters of Pacificus and Helvidius on the Proclamation of Neutrality of 1793, at 89 (Washington, D.C., J. Gideon & G.S. Gideon, 1845).

[2] President Truman committed U.S. forces to Korea without seeking congressional authorization. For a discussion of constitutional war powers and the Korean War, see Jane Stromseth, ''Rethinking War Powers: Congress, The President, and the United Nations,'' 81 Georgetown Law Journal 597, 621–640 (1993). Congress subsequently enacted legislation to provide funds for the Korean War and to extend the draft, id. at 626, 630.

[3] In a longer piece, I discuss original intent, historical practice, and current arguments about war powers more fully and systematically, and I draw upon my conclusions in that piece here. See Jane E. Stromseth, ''Understanding Constitutional War Powers Today: Why Methodology Matters,'' 106 Yale L.J. 845 (1996).

[4] The War Powers Resolution and its 60/90 day time-clock apply to a wide variety of situations in which U.S. forces are introduced into hostilities as well as into ''situations where imminent involvement in hostilities is clearly indicated by the circumstances.'' Whatever effects this statute has, or was intended to have on smaller-scale deployments of force, including deployments that involve simply the prospect of hostilities, the War Powers Resolution cannot be read as authorizing 60 days wars because of the clear language to the contrary in sections 8(d) and 2(c) of the statute.

[5] This interpretation of the President's authority is consistent with the understanding reflected in the original Senate version of the War Powers Resolution. See S. Rep. No. 93–220, at 22 (1973). For a discussion of the scope of the President's defensive war powers, see Stromseth, ''Understanding Constitutional War Powers Today: Why Methodology Matters,'' 106 Yale L. J. 845, 888–892 (1996).

engaging in war) are critical if the American people and American armed forces are being asked to bear those risks. In short, under the factual circumstances that exist as of the date of this letter, the President cannot rely on inherent constitutional authority to commit U.S. forces to Iraq for the purpose of removing Saddam Hussein from power.

Congress's Post-September 11 Authorization of Force

Whether statutory authority presently exists to introduce U.S. armed forces into Iraq to depose Saddam Hussein depends on whether such action would fall within the provisions of S.J. Res. 23 (Pub. L. No. 107–40), adopted in response to the September 11 attacks.

Congress's authorization for the use of force against those responsible for the attacks of September 11 is an express recognition that Congress and the President both have a critical constitutional role to play in the war on terrorism. S.J. Res. 23 authorizes the President: ''to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.'' Thus, the force must be directed against those responsible for the September 11th attacks, or those who harbored such organizations or persons; and the purpose of using force is focused and future-oriented: to prevent additional terrorist acts against the United States by the states, organizations, or persons responsible for the September 11th attacks or who harbored those responsible.

Congress' post-September 11th resolution was an unambiguous decision to authorize force. Like the Gulf War authorization in 1991, the authorization explicitly affirms that it ''is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.'' This removes any actions that fall within the scope of the authorization from the War Powers Resolution's 60-day timeclock provision. At the same time, Congress made clear that the requirements of the War Powers Resolution otherwise remain applicable, which would include the requirement of regular reporting and consultation. Moreover, in signing the Joint Resolution, President Bush made clear that he would consult closely with Congress as the United States responds to terrorism.

Whether this joint resolution authorizes military action against Iraq to remove Saddam Hussein from power depends on whether the requisite link to the attacks of September 11 exists or not. That is, did Iraq ''plan [], authorize, [] commit [], or aid [] the September 11 attacks,'' or ''harbor'' organizations or persons who did? Under the terms of the resolution, the President determines whether such a link to the September 11th attacks is established, but Congress undoubtedly expected that the President would make his determination and the basis for it known to Congress. In a matter as momentous as commencing hostilities against Iraq, Congress and the American people would certainly expect a clear and convincing indication of evidence linking Iraq to the September 11 attacks. As of August 26, 2002, the Administration, to my knowledge, has not made such a showing nor publicly argued that there is a direct link between Iraq and the September 11 attacks. Nor has the Administration presented its views regarding whether using force to remove Saddam Hussein from power is ''necessary and appropriate force . . . in order to prevent any future acts of international terrorism against the United States'' by the nations, organizations or persons responsible for the September 11 attacks. If the link between Iraq and the September 11 attacks is tenuous, additional congressional authorization clearly addressing Iraq would better serve the important constitutional purposes underlying Congress's power to declare war: congressional deliberation and national consensus before the country embarks on a major military action so full of risks.

The 1991 Gulf War Authorization

Some argue that the President has current authority to use U.S. forces against Iraq to remove Saddam Hussein based on the 1991 Use of Military Force Against Iraq Resolution (Pub. L. 102–1). This Resolution, adopted prior to the 1991 Gulf War, authorized the President to use U.S. Armed Forces pursuant to U.N. Security Council Resolution 678 to achieve implementation of previous, enumerated Security Council resolutions.[6] Those Security Council resolutions included Resolution 660 (1990) demanding that Iraq withdraw immediately from Kuwait. UN Security Council Resolution 678, in turn, authorized UN member states cooperating with Kuwait ''to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area.'' In contrast to this UN resolution, which refers to ''all subsequent relevant resolutions,'' the 1991 congressional authorization of force was crafted to refer only to implementation of specific UN resolutions adopted prior to Resolution 678—resolutions that focus above all on Iraqi withdrawal from Kuwait and restoration of Kuwait's sovereignty. Congress, in short, tailored its 1991 authorization to the specific goal of liberating Kuwait rather than providing an open-ended authorization of force.

Those who invoke the 1991 Use of Military Force Against Iraq Resolution as current authority to remove Saddam Hussein begin by noting that Iraq is in material breach of UN Security Council Resolution 687 (the Gulf War cease-fire resolution). That resolution requires Iraq to relinquish all weapons of mass destruction and authorized a UN Special Commission (UNSCOM) to monitor Iraq's compliance. Resolution 687, in particular, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision'' of all chemical and biological weapons and all ballistic missiles with a range exceeding 150 kilometers and to ''unconditionally undertake not to use, develop, construct or acquire'' such weapons. (Resolution 687, paragraphs 8 and 10). Iraq likewise is required not to develop or acquire nuclear weapons or subsystems or components, and to submit to ongoing monitoring and verification of its compliance (paragraphs 12, 13). Undoubtedly, Iraq's persistent refusal to allow full, unimpaired weapons inspections is a clear and unacceptable breach of Resolution 687. The domestic legal question then is: has Congress authorized the use of U.S. armed forces to remove Saddam Hussein from power in order to enforce UN Security Council Resolution 687?

The 1991 Authorization for Use of Military Force Against Iraq Resolution does not, on its face, provide authorization to use force to implement Resolution 687. Adopted prior to the Gulf War, the 1991 Joint Resolution authorized the President to use U.S. armed forces pursuant to UN Resolution 687 in order to achieve implementation of specific UN resolutions adopted prior to Resolution 687. So purely as a temporal matter, the cease-fire resolution (687), which came at the end of the Gulf War, is not among the UN resolutions enumerated in the 1991 Joint Resolution. Consequently, the 1991 authorization does not provide clear authority to use force today to remove Saddam Hussein from power as a means to enforce the Gulf War cease-fire resolution.

Since 1991, Congress has indicated in a ''sense of the Congress'' resolution its support for using ''all necessary means'' to achieve the ''goals'' of UN Resolution 687; Congress has also indicated its support for a policy of regime change in Iraq. Yet, upon careful examination, these indications of congressional intent do not provide a clear authorization by Congress of the use of U.S. armed forces to attack Iraq to remove Saddam Hussein from power. If the United States is to commence war against Iraq, and to expose U.S. forces and citizens to the considerable costs and sacrifices that this would entail, both the Constitution and the War Powers Resolution (section 8(a)(1)) expect a clear authorization from Congress that reflects a deliberate decision to initiate hostilities on a major scale. The various congressional actions since 1991 concerning Iraq do not provide that authorization.

First, Section 1095 of the FY1992 Defense Authorization Act (Pub. L. 102–190, signed December 5, 1991) declared the sense of the Congress that Iraq's noncompliance with UN Resolution 687 constitutes ''a continuing threat to the peace, security, and stability of the Persian Gulf region'' and that ''the Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1).'' At the same time, Section 1095 also expressed the sense of the Congress that ''the President should 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.''

Some may contend that Section 1095 together with the 1991 Authorization for Use of Military Force Resolution gives the President the authority to use force to commence war against Iraq to impose a regime change because the 102nd Congress expressed its view that using ''all necessary means to achieve the goals of Security Council Resolution 687'' is ''consistent with'' the 1991 authorization of force. Iraq is in material breach of Resolution 687, as it was back in 1991, and thus, according to this argument, the President can use force to achieve Iraq's compliance, in accordance with Section 1095 and the 1991 authorization, by removing Saddam Hussein from power.

Yet, upon careful review, this argument ultimately falls short. First, regime change goes beyond the provisions or requirements of UN Resolution 687, so Congress has not provided clear authority for commencing hostilities for this purpose as a means to implement 687. It is one thing to use limited force to enforce no-fly-zones, for instance; it is a quite different thing to commence war

[6] H.J. Res. 77, Pub. L. No. 102–1, provides in Section 2(a): ''The President is authorized, subject to subsection (b), to use United States armed forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.'' Section 2(b), in turn, requires the President, before using force, to make available to Congress his determination that ''the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and . . . that those efforts have not been and would not be successful in obtaining such compliance.''

to remove Saddam Hussein from power. Second, and more importantly, Section 1095 does not provide the clear authorization of war that both the Constitution and the War Powers Resolution expect. Section 1095 does not use the word ''force'' or ''authorize''; rather, it is a ''sense of the Congress'' resolution indicating that Congress ''supports'' the use of ''all necessary means'' to ''achieve the goals'' of Resolution 687 as being consistent with the 1991 Authorization. Section 1095 also fails to fulfil the War Powers Resolution's clear-statement rule that authority to use force cannot be inferred from legislation that does not specifically cite its provisions. Although Section 1095 refers to the 1991 Authorization, it does not itself cite the War Powers Resolution. Constitutionally, reliance on a ''sense of the Congress'' resolution in a massive defense authorization bill enacted over a decade ago as authorization to commence a war against Iraq today to remove Saddam Hussein from power falls short of a clear contemporaneous authorization of major military action that is faithful to the purposes underlying the Constitution's vesting of the power to declare war in Congress.

The Constitution vested the power to declare war in Congress to ensure careful deliberation by the Congress as well as the President before the United States commenced war. Much has changed over the last decade, particularly after the attacks of September 11, and initiating war against Iraq today clearly would involve substantial costs and risks for the United States, our forces and citizens, and for our allies. Reasonable people may come to different conclusions on the merits of this issue. But commencing a major military action against Iraq to remove Saddam Hussein from power would clearly constitute war, and congressional deliberation and clear authorization is required. Reliance on an ambiguous ''sense of the Congress'' resolution adopted over a decade ago falls short of clear authority to commence war against Iraq. The American people, including the brave men and women who fight for our country, would expect a full debate and consideration of the issue from their elected representatives in Congress in light of the circumstances we face today. The Constitution's wisdom on this point is compelling: Authorization, if provided by Congress, ensures that the costs and implications of any such action have been fully considered and that a national consensus to proceed exists. Congressional authorization also ensures American combat forces that the country is behind them, and conveys America's resolve and unity to allies as well as adversaries.

To be sure, congressional action since 1991 indicates Congress's continuing concern about Iraq's noncompliance with UN Resolution 687 and Congress's support for maintaining the no-fly-zones. But Congress has not provided clear statutory authority to commence war against Iraq to overthrow Saddam Hussein. In 1998, in response to Saddam Hussein's continuing defiance of UN Resolution 687 and his refusal to allow weapons inspections, the Senate and House passed a resolution, S.J. Res. 54 (Pub. L. 105–235, signed Aug. 14, 1998), which declared Iraq in ''material breach'' of its international obligations and ''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.'' This did not, however, provide clear authorization to use U.S. armed forces.

Later in October 1998, Congress declared in the Iraq Liberation Act of 1998, Pub. L. 105–338 (112 Stat. 3178), that it ''should be the policy of the United States 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.'' (sec. 3). But that Act also declared that ''[n]othing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces . . . in carrying out this Act'' except as provided in section 4(a)(2) of the Act, which authorizes the President to provide assistance to Iraqi democratic opposition organizations through a ''drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training for such organizations.'' (sec. 4(a)(2)).

Some may argue that the 1991 Authorization and Section 1095—combined with Pub. L. 105–235 (declaring Iraq in material breach of its international obligations); Publ. L. 105–338 (calling for a regime change in Iraq); and congressional acquiescence during ''Operation Desert Fox'' (Dec. 16–19, 1998) when force was used in response to Iraq's refusal to readmit weapons inspectors—amounts to implied authorization by Congress to use U.S. armed forces on a more substantial scale to remove Saddam Hussein from power. See *Dames & Moore* v. *Regan*, 453 U.S. 654 (1981) (relying on related legislation and congressional acquiescence in holding that the President was implicitly authorized to suspend claims pending in U.S. courts).

This argument falls short as well. While Congress's acts and resolutions clearly indicate its concern about Iraq's noncompliance with UN Resolution 687, nowhere in the record is there explicit authorization by Congress to commence a war against Iraq to remove Saddam Hussein from power. Sense of the Congress resolutions and congressional acquiescence cannot substitute for a clear authorization to initiate war. They do not meet the clear-statement provisions of Section 8 of the War Powers Resolution. Furthermore, the principles underlying the Constitution's decision to vest the power to declare war in Congress are not served by relying on ambiguous indications of Congressional intent regarding force. Moreover, Congress itself decisively closed the door to ''composite'' interpretations of its intent in 1998, when it made clear that its support for a policy of regime change should not be ''construed to authorize or otherwise speak to the use of United States Armed Forces.''

Summing Up

To recap the basic points of this letter: If the United States is subject to attack or imminent attack by Iraq, the President clearly possesses constitutional authority to use U.S. armed forces. Likewise, if it can be demonstrated that Iraq ''planned, authorized, committed, or aided'' the September 11 attacks, or ''harbored'' those responsible, the President would have authority to use force under S.J. Res. 23. If the link is tenuous and disputed, however, the constitutional purposes underlying the vesting of the power to declare war in Congress would be best served by an additional clear, express authorization of force against Iraq that reflects the deliberation and judgment of the Congress. Finally, Congress's authorization of the Persian Gulf War, together with subsequent legislative action, fall short of a clear authorization of war against Iraq to remove Saddam Hussein from power.

Both the Constitution and the War Powers Resolution affirm the critical importance of ensuring that decisions to commit U.S. forces to war reflect the deliberation and support of both the President and the Congress. Prior to the Persian Gulf War, the President obtained clear authority to use force from Congress. Likewise, in response to the September 11 attacks, Congress and the President acted together in enacting S.J. Res. 23. As our country moves ahead in the war against terrorism and as it considers policy options with respect to Iraq, I sincerely hope that the Congress and the President will work together as the Constitution envisions.

Please call on me again if I can be of assistance.

Sincerely,

JANE E. STROMSETH,
Professor of Law.

TUFTS UNIVERSITY, THE FLETCHER SCHOOL OF LAW AND DIPLOMACY,
MEDFORD, MA, AUGUST 20, 2002.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: Thank you for your letter of July 22, 2002 requesting my opinion whether the President currently has authority under U.S. domestic law to introduce the U.S. armed forces into hostilities against Iraq for the purpose of removing Saddam Hussein from power.

To summarize, I believe that he does not, although that conclusion is based upon the assumption that Iraq was not involved in the events of September 11, and that use of force for this purpose would risk substantial casualties or large-scale hostilities over a prolonged duration. I reach that conclusion for the following reasons:

A. No treaty currently in force gives the President authority to use force.

B. None of the three relevant statutes gives the President authority to use force.

1. The War Powers Resolution confers no power on the President to introduce the armed forces into hostilities that he would not have had in its absence.

2. Congress's Gulf War authorization would confer such power only if Security Council Resolution 678 did so, and Resolution 678 probably does not do so.

a. The authority conferred by Resolution 678, which authorized use of force against Iraq following its invasion of Kuwait, was narrowly circumscribed and was directed at reversing the Iraqi invasion of Kuwait.

b. That authority most likely was extinguished on April 6, 1991, the date the Iraqis notified the United Nations of their acceptance of the pertinent provisions of Security Council Resolution 687, which declared a formal cease-fire.

c. Once extinguished that authority did not revive when Iraq failed to comply with its obligations under Resolution 687.

d. A decision to revive Resolution 678 must be made by the Security Council and cannot be made by an individual member state.

e. It would be inappropriate to infer Security Council intent to revive Resolution 678 from acquiescence by the Council to subsequent military strikes against Iraq that were not expressly authorized.

f. The War Powers Resolution requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force; at a minimum, these considerations raise such doubts.

3. S.J. Res. 23 would permit use of force against Iraq only if Iraq participated in the events of September 11.

C. Absent authorization from a treaty or statute, authority to use force against Iraq can derive only the Constitution. The Constitution's text, the case law, custom, the intent of the Framers, and structural and functional considerations all suggest that, to the extent that use of force against Iraq would risk substantial casualties or large-scale hostilities over a prolonged duration, prior congressional approval would be required.

I now turn to a closer examination of each of the three sources from which authorization to use force could in principle derive: a treaty, a statute, or the Constitution.

A. Authorization by treaty

No treaty currently in force gives the President authority to use force. Indeed, the United States has never been a party to any treaty that purported to give the President authority to use force. The constitutionality of any such treaty would be doubtful in that it would necessarily divest the House of Representatives of its share of the congressional war power. (For this reason, all of the United States' mutual security treaties have made clear that they do not affect the domestic allocation of power.) Moreover, war-making authority conferred by any such treaty would be cut off unless it met the requirements of section 8(a)(2) of the War Powers Resolution. Section 8(a)(2) requires, in effect, that any treaty authorizing the use of force meet two conditions. The first condition is that any such treaty must ''be implemented by legislation specifically authorizing'' the introduction of the armed forces into hostilities or likely hostilities. This condition is not met because no treaty is so implemented. The second condition is that any such implementing legislation must state that it is ''intended to constitute specific statutory authorization'' within the meaning of the War Powers Resolution. Again, since no implementing legislation is in effect, the second condition is also not met. Thus it must be concluded that, if further authority to use force is required, the President cannot seek that authority from any treaty.

* * * * *

B. Authorization by statute

The second source to which the President might turn for authority to use force is statutory law. I referred above to the provision of the War Powers Resolution that limits authority to use force that can be inferred from a treaty. A companion provision limits such authority that can be inferred from a statute. That provision is section 8(a)(1). Section 8(a)(1) sets out two similar conditions that must be met before authority to use armed force can be inferred from a given statute. The first condition is that such a statute must ''specifically authorize'' the introduction of the armed forces into hostilities or likely hostilities. The second condition is that such a statute must state ''that it is intended to constitute specific statutory authorization within the meaning of'' the War Powers Resolution. Unless each condition is met, a given statute may not be relied upon as a source of authority to use armed force. Arguments challenging the validity of this provision are essentially frivolous. (Archibald Cox testified that he was ''aghast'' at the contention; I addressed the argument in an appendix to my testimony before the Senate Judiciary Committee on April 17, 2002.)

The War Powers Resolution cannot itself be relied upon as authorization to introduce the armed forces into hostilities because it does not meet these two conditions and because it explicitly provides that it confers no power on the President to introduce the armed forces into hostilities that he would not have had in its absence. Two statutes now in effect, however, may meet these conditions. The first statute is H.J. Res. 77 of January 14, 1991 (P.L. 102–1), the law authorizing use of force against during the Gulf War. The second statute is S.J. Res. 23, the law enacted by Congress and signed by the President on September 18, 2001 (P.L. 107–40).

1. The Gulf War authorization

Congress's Gulf War resolution authorized the President to use force against Iraq only to the extent that such use of force had been authorized by the United Nations Security Council. Section 2(a) of P.L. 102–1 provides that ''[t]he President is authorized, pursuant to subsection (b), to use the United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.'' (Subsection (b) required the President to determine, before using force, that all appropriate diplomatic and other peaceful means had been used.) Thus the Gulf War resolution would continue to authorize use of force against Iraq if such use continues to be authorized under resolution 678 of the Security Council. If Resolution 678 does not continue to authorize the United States to use force against Iraq, on the other hand, the Gulf War resolution would not authorize the President to introduce the armed forces into hostilities against Iraq, and further congressional approval would be required. This would be true, as indicated above, even if the Security Council adopts new approval to use force against Iraq, since the existing congressional authorization, the Gulf War resolution, refers only to specific Security Council measures adopted at the time of the Gulf War.

In considering this key issue, it is helpful to recall the chain of events that led to the adoption of the relevant congressional and Security Council resolutions:

On August 2, 1990, Iraq invaded and occupied the territory of Kuwait.

On August 2, 1990, the Security Council adopted the first of the eleven resolutions later set out in Congress's Gulf War resolution, quoted above. This was Resolution 660, which condemned the Iraqi invasion of Kuwait and called for an immediate and unconditional withdrawal. All eleven Security Council resolutions related to the Iraqi invasion of Kuwait and represented an effort gradually to tighten the screws before authorizing use of force.[1]

On November 29, 1990, the UN Security Council adopted Resolution 678 which, among other things, authorized ''all member States to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the region.'' The Resolution provided that this authority could not be exercised, however, if Iraq ''on or before January 15, 1991, fully implements . . . the above-mentioned resolutions. . .'' (The ''above mentioned resolutions'' were the same eleven measures.)

On January 14, 1991, Congress adopted the Gulf War resolution.

On January 17, 1991, the United States commenced air attacks against Iraq.

On February 24, 1991, the United States commenced the ground attack.

On February 27, 1991, Iraq in a letter to the President of the Security Council, promised to comply with the twelve Security Council resolutions.

On February 28, a cease-fire was declared.

On March 2, 1991, the Security Council adopted Resolution 686, noting the cease-fire, noting Iraq's promise to comply with the the Council's twelve resolutions, demanding that Iraq do so, and demanding that Iraq meet additional conditions spelled out in paragraphs (2) and (3). Significantly, Resolution 686 further provided that, ''during the period required for Iraq to comply with paragraphs 2 and 3 above, the provisions of paragraph 2 of resolution 678 (1990) remain valid. . . .''

On April 3, 1991, the Security Council adopted Resolution 687 which demanded that Iraq destroy all weapons of mass destruction and set up a comprehensive on-site inspection regime under the aegis of the UN Special Commission on Iraq (UNSCOM). The Resolution also declared that ''upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990).''

On April 6, 1991 in a letter from its Iraqi Minister of Foreign Affairs, Iraq notified the President of the Security Council and the Secretary-General that it accepted the provisions of the Resolution 687.

In light of this background, can Resolution 678 reasonably be construed to continue to authorize use of force by the United States against Iraq? While reasonable arguments can be made on both sides,[2] the more persuasive argument appears to be that it does not, for these reasons:

(a) The authority conferred by Resolution 678 was narrowly circumscribed and was directed at reversing the Iraqi invasion of Kuwait. Resolution 678 conferred authority to use armed force for three different purposes. (i) The first purpose was to uphold and implement resolution 660. Resolution 660, however, simply called upon Iraq to withdraw from Kuwait that goal has been achieved. (ii) The second purpose was to uphold and implement ''all subsequent relevant resolutions'' The phrase could conceivably be construed as referring to any resolution adopted after the date on which Resolution 660 was adopted, August 2, 1990. Read in context, however, it seems more likely that the phrase refers to the nine ''foregoing resolutions'' that were recalled and reaffirmed in the first prefatory clause of Resolution 678. Those resolutions were ''subsequent to'' Resolution 660 but of course all preceded Resolution 678. ''All subsequent resolutions,'' it might further be argued, could hardly be taken as referring to any resolution ever adopted on any future date by the Security Council. Such a construction would have had the effect, internationally, divesting the Security Council of any future role in deciding whether to authorize use of force against Iraq—even though paragraph 5 of Resolution 678 explicitly affirms the intent of the Security Council ''to remain seized of the matter.'' Domestically, given the incorporation by reference of the phrase in Congress's Gulf War resolution, such as interpretation would

[1] Among other things, those resolutions imposed economic sanctions on Iraq (661), found that the Iraqi annexation of Kuwait was null and void and demanded that Iraq rescind its annexation (662), demanded that Iraq permit the departure of third-country nationals and ensure their safety (664), authorized member states to halt maritime shipping to Iraq so as to inspect cargoes incident to the economic embargo (665), took steps to ensure a supply of foodstuffs to alleviate human suffering in Iraq (666), demanded the release of diplomatic personnel seized by Iraq in Kuwait (667), established a consultative mechanism to deal with special economic problems arising from the economic sanctions (669), extended limitations on aircraft destined to land in Iraq or Kuwait (670), demanded that Iraq cease and desist from taking third-country nationals hostage or otherwise mistreating them or Kuwaiti nationals (674), and condemned the Iraqi destruction of civil records maintained by the government of Kuwait (677).

[2] Most commentators have rejected the argument that authority to use force continues to flow from Resolution 678. *See, e.g.*, Gray, After the Cease-Fire: Iraq, the Security Council and the Use of Force, 65 British Yearbook of International Law 135 (1994); Krisch, Unilateral Enforcement of the Collective Will: Kosovo, Iraq, and the Security Council, 3 Max Planck United Nations. Y.B. 59 (1999); Lobel & Ratner, Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease-Fires and the Iraqi Inspection Regime, 93 American Journal of International Law 124 (1999); Tomuschat, Using Force against Iraq, 73 Die Friedens-Warte-Journal of International Peace and Organization 75 (1997); and Dekker & Wessel, Military Enforcement of Arms Control in Iraq, 11 Leiden Journal of International Law 497 (1998). But see Wedgewood, The Enforcement of Security Council Resolution 687: The Threat of Force against Iraq's Weapons of Mass Destruction, 92 American Journal of International Law 724 (1998).

have effected a massive delegation of the congressional war power to the Security Council—a delegation that would crate profound constitutional problems. These difficulties are avoided by giving the phrase ''all subsequent relevant resolutions'' the meaning that it seems plainly intended to have had, namely, as referring to resolutions subsequently to Resolution 660 but adopted before Resolution 678. (iii) The third purpose for which Resolution 678 authorized use of force was to restore international peace and security in the region. A broad interpretation of that grant of authority would view it as permitting use of force against Iraq by any state at any point in the future when that state concluded that Iraq had disrupted that region's peace and security. The authority to restore peace and security was, however, like other provisions of Resolution 678 authorizing use of force against Iraq, tied to and precipitated by the Iraqi invasion of Kuwait. Each of the twelve Security Council resolutions cited in Congress's Gulf War Resolution relates directly to that invasion. Resolution 687, declaring a ''formal cease-fire,'' appears to have represented a de facto finding by the Security Council that peace and security had been restored. It seems unlikely that the Security Council, in adopting Resolution 678, intended to declare Iraq a free-fire zone into the indefinite future.

(b) The authority to use force conferred in Resolution 678 was most likely extinguished April 6, 1991, the date the Iraqis notified the United Nations of their acceptance of the pertinent provisions of Resolution 687. Under that Resolution, ''a formal cease-fire'' took effect upon such notification. The legal obligations that flow from a formal cease-fire are incompatible with the legal rights that flow from authorization to use force. The Security Council did ''reaffirm'' Resolution 678 in Resolution 949, adopted October 15, 1994, and also in Resolution 1137, adopted November 12, 1997. However, this was done only in prefatory clauses; neither Resolution 949 nor Resolution 1137 re-authorizes the use of force against Iraq. No resolution has done so. The Security Council has never declared that either the cease-fire or Resolution 687 is no longer in effect.

(c) The authority to use force conferred in Resolution 678, once extinguished did not revive when Iraq failed to comply with its obligations under Resolution 687. Resolution 687 makes clear that the termination of that authority was conditioned upon Iraq's notification of acceptance of the pertinent provisions of Resolutions 687, not upon Iraq's compliance with those provisions. In this regard it is instructive to compare the terms of Resolution 687 with the terms of its predecessor resolution, Resolution 686. Resolution 686 implemented a provisional cease-fire following the suspension of hostilities between Iraq and the coalition forces. As noted above, Resolution 686 provides that compliance, not acceptance, by Iraq was required with respect to two paragraphs of Resolution 686 to bring about the termination of authority to use force. (It is agreed that Iraq has complied with those two paragraphs.) In contrast, Resolution 687 provides that acceptance, not compliance, was all that was required to terminate authority to use force. Had the Security Council intended to cause that authority to revive upon Iraqi non-compliance, the Council presumably would have used the same words, or similar words, that it used in the preceding resolution to bring about that result. But it did not. There is no indication in the terms of Resolution 687 or any other Security Council resolution that the Council intended that Iraqi non-compliance would trigger a revival of authority to use force.

(d) A decision to revive Resolution 678 must be made by the Security Council and cannot be made by an individual member state. As suggested by the interactive context in which the Gulf War was ended, the transaction that brought hostilities to a close was in the nature of an agreement. Its terms were set forth in Resolution 686 and 687. Those terms were agreed to and approved by Iraq and the U.N. Security Council, not by Iraq and individual member states of the Security Council, and not by Iraq and individual member states of the Gulf War coalition. An earlier, informal, battlefield cease-fire was instituted by coalition forces. But the coalition owed its presence to authority conferred by the Security Council, and the informal cease-fire was superseded by the formal termination of hostilities set out by the Security Council in Resolution 687. The parties to that formal undertaking were Iraq and the U.N. Security Council. With rare exceptions that are not applicable here, under long-settled principles of international law rights flowing from the material breach of an agreement run to the aggrieved party of the agreement; a state has no right to complain of the breach of an agreement to which it is not a party. One of the rights that flows from the power to complain of the material breach of an agreement is the option to terminate or suspend the agreement in whole or in part. In Resolution 687 the Security Council apparently intended to retain that right: paragraph 34 of Resolution 687 provides that the Council, not individual states, ''shall take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region.'' Thus it would be up to the Council as a body to decide what action to take in response to a breach. Individual states such as the United States have no right to terminate or suspend those provisions of Resolution 687 that caused the authorities granted in Resolution 678 to be extinguished upon the notification of Iraqi acceptance. The option to terminate or suspend those provisions resides exclusively in the author of Resolution 678 and party to the agreement with Iraq: the Security Council, not individual member states.

(e) It would be inappropriate to infer implicit Security Council intent to revive Resolution 678 from acquiescence by the Council to subsequent military strikes against Iraq that were not expressly authorized. It can be argued that a consistent pattern of acquiescent practice would constitute evidence of the authoritative interpretation of the Resolution. However, the right of veto that inheres in the Council's five permanent members renders this argument unconvincing in these circumstances. All five members have not remained silent during each of the subsequent strikes against Iraq; several have on occasion objected. Following the 1998 air strikes on Iraq, for example, the President of the Russian Federation declared that ''[t]he U.N. Security Council resolutions on Iraq do not provide any grounds for such actions. By the use of force, the U.S. and Great Britain have flagrantly violated the U.N. Charter and universally accepted principles of international law.''[3] The Chinese also objected.[4] When Resolution 1154 was adopted, warning that continued violations of Iraq's obligations to permit unconditional access to UNSCOM ''would have the severest consequences,'' the French representative to the Security Council stated that the resolution was designed ''to underscore the prerogatives of the Security Council in a way that excludes any question of automaticity. . . . It is the Security Council that must evaluate the behavior of a country, if necessary to determine any possible violations, and to take the appropriate decisions.''[5] Even if all five permanent members of the Security Council had remained silent, silence under such circumstances does not necessarily signify consent or approval. Silence may simply indicate a belief that objection is futile. Moreover, if formal objection were now legally required, this argument would in effect establish a new procedure under which each of those five members would be required to take the affirmative step of voicing objection to acts not authorized by the Council that they did not wish to be seen as approving. The U.N. Charter itself places no such obligation on the permanent five members of the Council; to prevent the Council from acting, each is required to voice objection only to a formal proposal made by a member of the Council within the Council's proceedings, not to the external conduct of third states. In any event, even if it were appropriate to infer the Council's approval to attack Iraq from its acquiescence to other attacks on Iraq, there would be no reason to assume that the Council, in its acquiescence, intended to revive Resolution 678 rather than to create new, implicit authority. New, implicit Security Council authority would not constitute authorization under Congress's Gulf War Resolution to introduce the armed forces into hostilities against Iraq. As noted above the Gulf War Resolution permits such use of force only if it is permitted by Resolution 678. New Security Council authorization, whether given explicitly in the form of a new resolution or implicitly in the form of acquiescence, would not satisfy the terms of the Gulf War Resolution and could not, under U.S. domestic law, authorize the President to introduce the armed forces into hostilities.

(f) The War Powers Resolution requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force; at a minimum, these considerations raise such doubts. As discussed above, section 8(a)(1) of the War Powers Resolution requires that Congress ''specifically authorize'' the introduction of the armed forces into hostilities if its enactment is to suffice as statutory approval. The War Powers Resolution, in other words, requires that doubts flowing from ambiguous or unclear measures be resolved against finding authority to use force. Because serious doubt exists whether Security Council Resolution 678 confers continuing authority on the United States to use force against Iraq,[6] the Gulf War Resolution, which incorporates Security Council Resolution 678 by reference, cannot be said to constitute specific statutory authorization within the meaning of the War Powers Resolution to introduce the armed forces into hostilities against Iraq.

For these reasons, I conclude that the Gulf War authorization is most reasonably construed as conferring no such authority.

2. S.J. Res. 23

The second statute that meets these conditions is the law enacted by Congress and signed by the President on September 18, 2002, P.L. 107–40, also known as Senate Joint Resolution 23 or S.J. Res. 23.

The statute contains five whereas clauses. Under traditional principles of statutory

[3] Statement of the President of the Russian Federation, press release of the Mission of the Russian Federation to the U.N., Dec. 20, 1998.

[4] Press release of the Foreign Ministry of China, Dec. 17, 1998 (''The unilateral use of force . . . without the authorization of the Security Council runs counter to the U.N. Charter and the principles of international law.')

[5] U.N. Doc. S/PV.3858, at 15, 18 (1998).

[6] Because your letter requests my views concerning the application of U.S. domestic law, I do not here discuss whether international law would permit use of force against Iraq absent Security Council approval.

construction these provisions have no binding legal effect. Only material that comes after the so-called ''resolving clause''—Resolved by the Senate and House of Representatives of the United States of America in Congress assembled''—can have any operative effect. Material set out in a whereas clause is purely precatory. Such material may be relevant for the purpose of clarifying ambiguities in a statute's legally operative terms, but in and of itself such a provision can confer no legal right or obligation.

To determine the breadth of authority conferred upon the President by this statute, therefore, it is necessary to examine the legally operative provisions, which are set forth in section 2(a) thereof. That section provides as follows: ''IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.'' The central conclusion that emerges from these words (which represent the only substantive provision of this statute) is that all authority that the statute confers is tightly linked to the events of September 11. The statute confers no authority unrelated to those events. The statue authorizes the President to act only against entities that planned, authorized committed, or aided the terrorist attacks that occurred on September 11. 2002. No authority is provided to act against entities that were not involved in those attacks. The closing reference limits rather than expands the authority granted, by specifying the purpose for which that authority must be exercised—''to prevent any future acts of international terrorism against the United States. . . .'' No authority is conferred to act for any other purpose or to act against ''nations, organizations or persons'' generally. Action is permitted only against ''such'' nations, organizations or persons, to wit, those involved in the September 11 attacks.

The statute thus cannot serve as a source of authority to use force in prosecuting the war on terrorism against entities other than those involved in the September 11 attacks. To justify use of force under this statute, some nexus must be established between the entity against which action is taken and the September 11 attacks.

The requirement of nexus between the September 11 attacks and the target of any force is reinforced by the statute's legislative history. Unfortunately, because of the truncated procedure by which the statute was enacted, no official legislative history can be compiled that might detail what changes were made in the statute and why. It has been reported unofficially however, that the Administration initially sought the enactment legislation which would have set out broad authority to act against targets not linked to the September 11 attacks. The statute proposed by the Administration reportedly would have provided independent authority for the President to ''deter and preempt any future acts of terrorism or aggression against the United States.''[7] Members of Congress from both parties, however, reportedly objected to this provision.[8] The provision was therefore dropped from the operative part of the statute and added as a final whereas clause, where it remained upon enactment. You outlined this history in your remarks on the Senate floor on October 1, 2001 (Cong. Rec., daily ed., Oct. 1, 2001 at S9949).

Accordingly, unless Iraq participated in the events of September 11, authority for use of force against Iraq must derive from a source other than S.J. Res. 23. Only one possible source remains: the United States Constitution. If use of force by the President is authorized by the Constitution, no authority is needed from any treaty or statute.

C. Constitutional authorization

A starting point in considering the scope of the President's independent constitutional powers is to note a proposition on which commentators from all points on the spectrum have agreed: that the President was possessed of independent constitutional power to use force in response to the September 11 attacks upon the United States. As was widely observed at the time, the War Powers Resolution itself supports this conclusion. Its statement of congressional opinion concerning the breadth of independent presidential power under the Constitution (section 2(c)(3)) recognizes the President's power to use force without statutory authorization in the event of ''a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.'' Thus, U.S. military operations in Afghanistan could have been carried out under the President's constitutional authority, even if S.J. Res. 23 had never been enacted. This conclusion has important implications for the question you have posed. If it turns out that Iraq is linked to the September 11 attacks, S.J. Res. 23 will continue to suffice, along with the President's constitutional authority, to provide all necessary authorization.

A more difficult question arises if Iraq was not connected with the September 11 attacks. In the last 30 years, Congress has on two occasions expressed its opinion concerning the scope of the President's power to use armed force without prior congressional approval the issue. One statement of opinion, as I mentioned, is set forth in section 2(c)(3) of the War Powers Resolution. I've also alluded to the other statement: the final whereas clause in S.J. Res. 23. That whereas clause expresses the opinion of Congress that ''the president has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.'' Obviously, these two statements are inconsistent. The scope of presidential power to wage war that was recognized by Congress in the War Powers Resolution is much narrower than that recognized in S.J. Res. 23. If the President only has power to act alone in ''a national emergency created by attack upon the United States, its territories or possessions, or its armed forces,'' then he obviously is without power to ''to take action to deter and prevent acts of international terrorism against the United States'' where no attack upon the United States has occurred. Which statement is correct?

In my view, neither. The statement in the War Powers Resolution is overly narrow, and the statement in S.J. Res. 23 is overly broad. The original, Senate-passed version of the War Powers Resolution contained wording, which was dropped in conference, that came close to capturing accurately the scope of the President's independent constitutional power. It provided—in legally binding, not precatory, terms—that the President may use force ''to repel an armed attack upon the United States, its territories or possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack.'' This formula, unlike the hastily-crafted words of the S.J. Res. 23 whereas clause, was drafted over a period of years, with numerous hearings and advice from the top constitutional scholars in the country. It was supported by Senators Fulbright, Symington, Mansfield, Church, Cooper, Eagleton, Muskie, Stennis, Aiken, Javits, Case, Percy, Hatfield, Mathias, Scott and yourself—not an inconsequential group. They agreed upon a simple premise: that the war power is shared between Congress and the President.

This is the premise that animates all efforts by members of Congress who seek to have the Executive meet authorization and consultation requirements. This is the premise that is, for all practical intents and purposes, rejected by proponents of sole executive power.

The premise flows from each source of constitutional power:

The constitutional text. Textual grants of war power to the President are paltry in relation to grants of that power to the Congress. The president is denominated ''commander-in-chief.'' In contrast, Congress is given power to ''declare war,'' to lay and collect taxes ''to provide for a common defense,'' to ''raise and support armies,'' to ''provide and maintain a navy,'' to ''provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions,'' to provide for organizing, arming, and disciplining, the militia,'' and to ''make all laws necessary and proper for carrying into execution...all...powers vested by this Constitution in the Government of the United States.''

The case law. Support for the Executive derives primarily from unrelated dicta pulled acontextually from inapposite cases, such as United States v. Curtiss-Wright (1936). The actual record is striking: Congress has never lost a war powers dispute with the President before the Supreme Court. While the cases are few, in every instance where the issue of decision-making primacy has arisen—from *Little* v. *Barreme* (1804) to the Steel Seizure Case (1952)—the Court has sided with Congress.

Custom. It is true that Presidents have used armed force abroad over 200 times throughout U.S. history. It is also true that practice can affect the Constitution's meaning and allocation of power. The President's power to recognize foreign governments, for example, like the Senate's power to condition its consent to treaties, derives largely from unquestioned practice tracing to the earliest days of the republic. But not all practice is of constitutional moment. A practice of constitutional dimension must be regarded by both political branches as a juridical norm, the incidents comprising the practice must be accepted, or at least acquiesced in, by the other branch. In many of the precedents cited, Congress objected. Furthermore, the precedents must be on point. Here, many are not. Nearly all involved fights with pirates, clashes with cattle rustlers, trivial naval engagements and other minor uses of force not directed at significant adversaries, or risking substantial casualties or large-scale hostilities over a prolonged duration. In a number of the ''precedents,'' Congress actually approved of the executive's action by enacting authorizing legislation (as with the Barbary Wars).

Structure and function. If any useful principle derives from structural and functional considerations, it is that the Constitution gives the Executive primacy in emergency war powers crises, where Congress has no time to act, and that in non-emergency situations—circumstances where deliberative

[7] Helen Dewar & Juliet Eilperin, Emergency Funding Deal Reached; Hill Leaders Agree to Work Out Language on Use of Force, Wash. Post, Sept. 14, 2001 at A30.

[8] Helen Dewar & John Lancaster, Congress Clears Use of Force, Aid Package; $40 Billion—Double Bush's Request—Earmarked for Rebuilding. Terror Response, Wash. Post, Sept. 16, 2001 at A11.

legislative functions have time to play out—congressional approval is required.

Intent of the Framers. Individual quotations can be, and regularly are, drawn out of context and assumed to represent a factitious collective intent. It is difficult to read the primary sources, however, without drawing the same conclusion drawn by Abraham Lincoln. He said: ''The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.'' Chief Justice William Rehnquist, quoting Justice Robert Jackson in Dames & Moore v. Regan (1981), shared Lincoln's belief that the Framers' rejected the English model. He said: ''The example of such unlimited executive power that must have most impressed the forefathers was the prerogative exercised by George III, and the description of its evils in the Declaration of Independence leads me to doubt that they were creating their new Executive in his image.''

Notwithstanding the plain import of these sources of constitutional power, some argue that the only role for Congress occurs after the fact—in cutting off funds if the president commences a war that Congress does not support. Two problems inhere in this theory. First, it reads the declaration-of-war clause out of the Constitution as a separate and independent check on presidential power. The Framers intended to give Congress control over waging war before the decision to go to war is made. Giving Congress a role only after the fact, however, would make its power to declare war nothing but a mere congressional trumpet to herald a decision made elsewhere.

Second, the theory flies in the face of the Framers' manifest intention to make it more difficult to get into war than out of it. This approach would do the opposite. If the only congressional option is to wait for the president to begin a war that Congress does not wish the nation to fight and then cut off funds, war can be instituted routinely with no congressional approval—and seldom if ever ended quickly. The practical method of cutting off funds is to attach a rider to the Department of Defense authorization or appropriation legislation. This means, necessarily, passing the legislation by a two-thirds vote so as to overcome the inevitable presidential veto. The alternative is for Congress to withhold funding altogether—and be blamed by the president for closing down not merely the Pentagon but perhaps the entire federal government. The short of it is, therefore, that to view the congressional appropriations power as the only constitutional check on presidential war power is for all practical purposes to eliminate the declaration-of-war clause as a constitutional restraint on the president.

For reasons such as these, the Office of Legal Counsel of the Justice Department concluded in 1980 that the core provision of the War Powers Resolution—the 60-day time limit—is constitutional. It said: ''We believe that Congress may, as a general constitutional matter, place a 60-day limit on the use of our armed forces as required by the provisions of [section 5(b)] of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of ''unavoidable military necessity.'' This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

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''Finally, Congress can regulate the President's exercise of his inherent powers by imposing limits by statute.''[9]

Finally, it is worth recalling that much the same issue arose prior to the outset of the Gulf War. The President, executive branch lawyers maintained, was constitutionally empowered to place the United States at war against Iraq without congressional approval. A number of Members of Congress brought an action seeking an injunction to prevent him from initiating an offensive attack against Iraq without first securing a declaration of war or some other explicit congressional authorization. The action was dismissed by a federal district court as not yet ripe for review. In the course of doing so, however, the court made the following pithy but important observation, which seems directly pertinent to events unfolding today: ''If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an ''interpretation'' would evade the plain language of the constitution, and it cannot stand:[10]

To the extent that use of force against Iraq to remove Saddam Hussein from power would risk substantial casualties or large-scale hostilities over a prolonged duration, I therefore conclude that prior congressional approval would be required.

Sincerely,

MICHAEL J. GLENNON,
Professor of International Law.

Ms. STABENOW. Will my friend from West Virginia yield for a moment?

Mr. BYRD. Yes, I would be happy to.

Ms. STABENOW. Before the Senator concludes this evening, I wanted to thank him, as a new Member to this body, for his incredible commitment to our Constitution, our country, and our people. It has been an inspirational time for me to watch the Senator from West Virginia on the floor, listen to his arguments, and see his dedication. I have been proud to stand with him in opposing this resolution.

I ask unanimous consent that a New York Times op-ed written today by the distinguished Senator from West Virginia be printed in the RECORD. It is an excellent summary of the concerns that many of us have in rushing into this war, and I want to thank the Senator for that. I think it is important this be in the RECORD of the Senate as a part of this debate today.

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

[From the New York Times, Oct. 10, 2002]

CONGRESS MUST RESIST THE RUSH TO WAR

(By Robert C. Byrd)

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 stampeded 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 the 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 preemptive 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 graves 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.

[9] Presidential Power to Use the Armed Forces Abroad without Statutory Authorization, 4A, Op. Office of the Legal Counsel, Dept of Justice 185, 196 (1980).

[10] Dellums v. Bush, 752 F. Supp. 1141 (D.D.C. 1990).

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 or 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 we 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.

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Mr. President, let me first thank the Senator from Michigan, DEBBIE STABENOW, for her eloquence, for her steadfast determination to stand by the Constitution as she has shown so many days, so many times in recent days. I thank her for being the Senator she is, a Senator who is indebted to her people and stands every day somewhere in this Senate complex working for the people she represents. I have received great inspiration from watching her. I serve on the Budget Committee with her and she is an outstanding voice for the people who believe in the Constitution, who takes a stand and is so eloquent, so articulate on behalf of that Constitution.

I thank the Senator from Michigan from the bottom of my heart.

I am about to yield the floor.

Mr. SARBANES. Will the Senator yield for a moment?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I join my colleague from Michigan in expressing my deep thanks to the Senator from West Virginia for his extraordinarily effective and powerful presentations in the course of this debate. I was also planning to put this article in, as my colleague has already done. It is a very powerful statement that appeared in this morning's New York Times entitled ''Congress Must Resist the Rush to War.'' The Senator from West Virginia, as he always does, asks some very piercing questions and calls the Congress to its responsibilities.

Let me quote a paragraph or two from the article:

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.

Of course, the particular resolution that is before the Senate, as is pointed out in this article, and I quote the Senator from West Virginia:

This resolution would authorize the president to use the 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.

And there actually were other proposals to narrow that authority, but of course none of them carried.

Further quoting:

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.''

I say to my colleague from West Virginia, it seems to me clear that upon approval of this resolution, as far as the Congress is concerned, war has been declared against Iraq. Would the Senator agree with that observation?

Mr. BYRD. I do, I do. And I say further to my dear friend that as soon as this resolution is adopted and signed by the President of the United States, Congress is out of it. It is on the sidelines. We may wish we could say something. We may wish we could do something. But as far as the human eye can see, we are out of it until such time as Congress asks to repeal this legislation or to put a limit on it internally.

Mr. SARBANES. Let me ask my colleague this question: Suppose some unforeseen, extraordinary development should take place after this resolution is passed and sent down and signed by the President which transforms perhaps the weapons of mass destruction situation. The President, though, could still move ahead and go to war, could he not?

Mr. BYRD. Yes.

Mr. SARBANES. They would have been given the authority to do that; would that be correct?

Mr. BYRD. Absolutely. We would have handed this over to the President—lock, stock, and barrel. Here it is.

Mr. SARBANES. When would the President have to decide whether he was going to use this authority? Let's assume with respect to passing it later in the evening—although I will oppose it—assuming it is passed and the Congress authorizes the President to go to war, in effect, with Iraq, is there a limit on the time period in which the President could then use that power to launch war against Iraq?

Mr. BYRD. There is no limit.

I offered an amendment, and the distinguished Senator from Maryland supported that amendment today, as the distinguished Senator from Minnesota supported it, the distinguished Senator from Michigan, the distinguished Senator from New York, but we only got 31 votes. That amendment was defeated.

Mr. SARBANES. That underscores what the distinguished Senator says in this op-ed piece that appeared in this morning's New York Times. I quote:

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 [in the resolution before the Senate].

Mr. BYRD. Yes.

Mr. SARBANES. This, of course, is a decision with far-sweeping consequences, certainly as it deals with Iraq and all of its implication. But the precedent is being established in terms of the future, it seems to me, and that constitutes a major erosion of the role of the Congress with respect to the Nation going to war.

Mr. BYRD. It does. And it is easy enough, I suppose, to pass this resolution. But should we try to negate it, should we try to repeal it, should we try to change the law, a President can veto any change that Congress might bring along later, any change it might enact, in order to overturn this law it is now about to adopt.

Mr. SARBANES. I am glad the distinguished Senator made that point because that is the next item I wanted to go to. People could say: If the circumstances changed and the Congress wants to pull it back, why not come in, pass a law, and pull it back? But the fact is that a President who wanted to keep that authority and may well want to use it, as long as he could keep the support of one-third—not of each House of the Congress but only one-third of one House, either a third of the Senators, plus one, or a third of the Members of the House of Representatives—he could negate congressional action that tried to pull back this war-making authority, could he not?

Mr. BYRD. The distinguished Senator from Maryland is absolutely correct. It only takes a majority of both Houses to pass this resolution, but it would take two-thirds in the future if the President should attempt to veto a substitute piece of legislation by this Congress to abort what we are doing here today, to appeal it, to amend it. One-third plus one in either body could uphold the President's veto, and that legislation would not become law.

Mr. SARBANES. I think that is a point we have not really touched on much in this debate, but I think it is an extremely important point.

What has happened—you pass this resolution, you make a major grant of war-making authority to the President, but then if subsequently you decide it ought to be pulled back or ought not be exercised by the President, it is extraordinarily difficult to do that, so not only have you given the President this broad power to begin with, but the way the system is constructed, he can hold on to that power, even if a majority of both Houses of the Congress which gave the power want to take it back. Is that not correct?

Mr. BYRD. The Senator could not be more correct. The Senator is absolutely correct.

Mr. SARBANES. It is worth engaging in this discussion just to underscore the sweep of authority that is being provided.

Again, I thank my colleague for his leadership on this issue and especially commend him for what I thought was a very thoughtful and powerful article. I

encourage people across the country to read this article. It is a very succinct, analytical, and perceptive statement of the issues that are at stake.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Maryland. He is a great Senator. I am proud of the years I have served with him. We have gone through some interesting times here in the Senate. We stood beside one another, shoulder to shoulder, shoulder to shoulder in fighting for this Constitution on several occasions—the line-item veto, constitutional amendment to balance the budget, and on other occasions. I thank the people of Maryland for sending him and for keeping him here.

I would say that the Republic will long live, as long as the people of America send Senators here like PAUL SARBANES.

I thank the people of Maryland, and I thank God for him.

Mr. President, I am about to yield the floor. I have been asked by the distinguished Senator from New York to yield to her. How much time do I have?

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator has 42 minutes.

Mr. BYRD. Mr. President, I do not intend to hold the floor much longer. How much time will the Senator from New York, Mrs. CLINTON, wish me to yield to her?

Mrs. CLINTON. Twenty minutes.

Mr. BYRD. Mr. President, I yield 20 minutes to the Senator, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MCCAIN. Will the Senator from New York just yield for a second to me?

Mr. BYRD. And I yield to the distinguished Senator whatever time he needs.

Mr. MCCAIN. I point out the distinguished chairman of the Foreign Relations Committee has not had an opportunity to speak. In all due respect, I would like to give the chairman of the Foreign Relations Committee the respect he deserves.

Mr. BIDEN. I thank the Senator. I am delighted to wait in line, and I will wait until after the Senator has finished.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-one minutes.

Mr. BYRD. I yield 20 minutes to the Senator from New York, Mrs. CLINTON, and I yield 20 minutes, leaving myself 1 minute, to the Senator from Delaware, Mr. BIDEN.

I thank the distinguished Senator from Arizona for reminding me the Senator from Delaware had been waiting very patiently.

I thank all Senators.

Mr. BIDEN. No problem.

Mrs. CLINTON. Mr. President, I thank the Senator from West Virginia for his courtesy. By far beyond that, I thank him for his leadership and his eloquence and his passion and commitment to this body and to our Constitution. I join with the remarks by both the Senators from Michigan and Maryland, expressing our appreciation for the way in which he has waged this battle on behalf of his convictions. It is a lesson to us all.

Today, Mr. President, we are asked whether to give the President of the United States authority to use force in Iraq should diplomatic efforts fail to dismantle Saddam Hussein's chemical and biological weapons and his nuclear program.

I am honored to represent nearly 19 million New Yorkers, a thoughtful democracy of voices and opinions who make themselves heard on the great issues of our day, especially this one. Many have contacted my office about this resolution, both in support of and in opposition to it. I am grateful to all who have expressed an opinion.

I also greatly respect the differing opinions within this body. The debate they engender will aid our search for a wise, effective policy. Therefore, on no account should dissent be discouraged or disparaged. It is central to our freedom and to our progress, for on more than one occasion history has proven our great dissenters to be right.

I believe the facts that have brought us to this fateful vote are not in doubt. Saddam Hussein is a tyrant who has tortured and killed his own people, even his own family members, to maintain his iron grip on power. He used chemical weapons on Iraqi Kurds and on Iranians, killing over 20,000 people.

Unfortunately, during the 1980s, while he engaged in such horrific activity, he enjoyed the support of the American Government because he had oil and was seen as a counterweight to the Ayatollah Khomeini in Iran.

In 1991, Saddam Hussein invaded and occupied Kuwait, losing the support of the United States. The first President Bush assembled a global coalition, including many Arab States, and threw Saddam out after 43 days of bombing and hundreds of hours of ground operations. The United States led the coalition, then withdrew, leaving the Kurds and the Shiites, who had risen against Saddam Hussein at our urging, to Saddam's revenge.

As a condition for ending the conflict, the United Nations imposed a number of requirements on Iraq, among them disarmament of all weapons of mass destruction, stocks used to make such weapons, and laboratories necessary to do the work. Saddam Hussein agreed and an inspection system was set up to ensure compliance. Though he repeatedly lied, delayed, and obstructed the inspectors' work, the inspectors found and destroyed far more weapons of mass destruction capability than were destroyed in the gulf war, including thousands of chemical weapons, large volumes of chemical and biological stocks, a number of missiles and warheads, a major lab equipped to produce anthrax and other bioweapons, as well as substantial nuclear facilities.

In 1998, Saddam Hussein pressured the United Nations to lift the sanctions by threatening to stop all cooperation with the inspectors. In an attempt to resolve the situation, the U.N., unwisely in my view, agreed to put limits on inspections of designated sovereign sites, including the so-called Presidential palaces—which in reality were huge compounds, well suited to hold weapons labs, stocks, and records which Saddam Hussein was required by U.N. resolution to turn over.

When Saddam blocked the inspection process, the inspectors left. As a result, President Clinton, with the British and others, ordered an intensive 4-day air assault, Operation Desert Fox, on known and suspected weapons of mass destruction sites and other military targets.

In 1998, the United States also changed its underlying policy toward Iraq from containment to regime change and began to examine options to effect such a change, including support for Iraqi opposition leaders within the country and abroad. In the 4 years since the inspectors, intelligence reports show that Saddam Hussein has worked to rebuild his chemical and biological weapons stock, his missile delivery capability, and his nuclear program. He has also given aid, comfort, and sanctuary to terrorists, including al-Qaida members, though there is apparently no evidence of his involvement in the terrible events of September 11, 2001.

It is clear, however, that if left unchecked, Saddam Hussein will continue to increase his capability to wage biological and chemical warfare and will keep trying to develop nuclear weapons. Should he succeed in that endeavor, he could alter the political and security landscape of the Middle East which, as we know all too well, affects American security.

This much is undisputed. The open questions are: What should we do about it? How, when, and with whom?

Some people favor attacking Saddam Hussein now, with any allies we can muster, in the belief that one more round of weapons inspections would not produce the required disarmament and that deposing Saddam would be a positive good for the Iraqi people and would create the possibility of a secular, democratic state in the Middle East, one which could, perhaps, move the entire region toward democratic reform.

This view has appeal to some because it would assure disarmament; because it would right old wrongs after our abandonment of the Shiites and Kurds in 1991 and our support for Saddam Hussein in the 1980s when he was using chemical weapons and terrorizing his people; and because it could give the Iraqi people a chance to build a future in freedom.

However, this course is fraught with danger. We and our NATO allies did not depose Mr. Milosevic, who was responsible for more than a quarter of million

people being killed in the 1990s. Instead, by stopping his aggression in Bosnia and Kosovo, and keeping the tough sanctions, we created the conditions in which his own people threw him out and led to his being in the dock and being tried for war crimes as we speak.

If we were to attack Iraq now, alone or with few allies, it would set a precedent that could come back to haunt us. In recent days, Russia has talked of an invasion of Georgia to attack Chechen rebels. India has mentioned the possibility of a preemptive strike on Pakistan. What if China should perceive a threat from Taiwan?

So, for all its appeal, a unilateral attack, while it cannot be ruled out, is not a good option.

Others argue that we should work through the United Nations and should only resort to force if and when the United Nations Security Council approves it. This too has great appeal for different reasons. The United Nations deserves our support. Whenever possible we should work through it and strengthen it, for it enables the world to share the risks and burdens of global security and when it acts, it confers a legitimacy that increases the likelihood of long-term success. The United Nations can lead the world into a new era of global cooperation. And the United States should support that goal.

But there are problems with this approach as well. The United Nations is an organization that is still growing and maturing. It often lacks the cohesion to enforce its own mandates. And when Security Council members use the veto on occasion for reasons of narrow national interest, it cannot act. In Kosovo, the Russians did not approve the NATO military action because of political, ethnic, and religious ties to the Serbs.

The United States, therefore, could not obtain a Security Council resolution in favor of the action necessary to stop the dislocation and ethnic cleansing of more than a million Kosovar Albanians. However, most of the world was with us because there was a genuine emergency with thousands dead and a million more driven from their homes. As soon as the American-led conflict was over, Russia joined the peacekeeping effort that is still underway.

In the case of Iraq, recent comments indicate that one or two Security Council members might never approve forces against Saddam Hussein until he has actually used chemical, biological, or God forbid, nuclear weapons.

So, the question is how do we do our best to both diffuse the threat Saddam Hussein poses to his people, the region, including Israel, and the United States, and at the same time, work to maximize our international support and strengthen the United Nations.

While there is no perfect approach to this thorny dilemma, and while people of good faith and high intelligence can reach diametrically opposing conclusions, I believe the best course is to go to the United Nations for a strong resolution that scraps the 1998 restrictions on inspections and calls for complete, unlimited inspections, with cooperation expected and demanded from Iraq.

I know the administration wants more, including an explicit authorization to use force, but we may not be able to secure that now, perhaps even later. If we get a clear requirement for unfettered inspections, I believe the authority to use force to enforce that mandate is inherent in the original 1991 United Nations resolutions, as President Clinton recognized when he launched Operation Desert Fox in 1998.

If we get the resolution the President seeks, and Saddam complies, disarmament can proceed and the threat can be eliminated. Regime change will, of course, take longer but we must still work for it, nurturing all reasonable forces of opposition.

If we get the resolution and Saddam does not comply, we can attack him with far more support and legitimacy than we would have otherwise.

If we try and fail to get a resolution that simply calls for Saddam's compliance with unlimited inspections, those who oppose even that will be in an indefensible position. And, we will still have more support and legitimacy than if we insist now on a resolution that includes authorizing military action and other requirements giving other nations superficially legitimate reasons to oppose Security Council action. They will say, we never wanted a resolution at all and that we only support the U.N. when it does exactly want we want.

I believe international support and legitimacy are crucial. After shots are fired and bombs are dropped, not all consequences are predictable. While the military outcome is not in doubt, should we put troops on the ground, there is still the matter of Saddam Hussein's biological and chemical weapons. Today he has maximum incentive not to use them or give them away. If he did either, the world would demand his immediate removal. Once the battle is joined, with the outcome certain, he will have maximum incentive to use weapons of mass destruction and give what he can't use to terrorists who can torment us with them long after he is gone. We cannot be paralyzed by this possibility, but we would be foolish to ignore it. According to recent reports, the CIA agrees with this analysis. A world united in sharing the risk at least would make this occurrence less likely and more bearable and would be far more likely to share the considerable burden of rebuilding a secure and peaceful post-Saddam Iraq.

President Bush's speech in Cincinnati and the changes in policy that have come forth from the administration since they first began broaching this issue some weeks ago have made my vote easier.

Even though the resolution before the Senate is not as strong as I would like in requiring the diplomatic route first and placing highest priority on a simple, clear requirement for unlimited inspections, I take the President at his word that he will try hard to pass a United Nations resolution and seek to avoid war, if possible.

Because bipartisan support for this resolution makes success in the United Nations more likely and war less likely, and because a good faith effort by the United States, even if it fails, will bring more allies and legitimacy to our cause, I have concluded, after careful and serious consideration, that a vote for the resolution best serves the security of our Nation. If we were to defeat this resolution or pass it with only a few Democrats, I am concerned that those who want to pretend this problem will go way with delay will oppose any United Nations resolution calling for unrestricted inspections.

This is a difficult vote. This is probably the hardest decision I have ever had to make. Any vote that may lead to war should be hard, but I cast it with conviction. Perhaps my decision is influenced by my 8 years of experience on the other end of Pennsylvania Avenue in the White House watching my husband deal with serious challenges to our Nation. I want this President, or any future President, to be in the strongest possible position to lead our country in the United Nations or in war. Secondly, I want to ensure that Saddam Hussein makes no mistake about our national unity and support for the President's efforts to wage America's war against terrorists and weapons of mass destruction. Thirdly, I want the men and women in our Armed Forces to know that if they should be called upon to act against Iraq our country will stand resolutely behind them.

My vote is not, however, a vote for any new doctrine of preemption or for unilateralism or for the arrogance of American power or purpose, all of which carry grave dangers for our Nation, the rule of international law, and the peace and security of people throughout the world.

Over 11 years have passed since the UN called on Saddam Hussein to rid himself of weapons of mass destruction as a condition of returning to the world community.

Time and time again, he has frustrated and denied these conditions. This matter cannot be left hanging forever with consequences we would all live to regret. War can yet be avoided, but our responsibility to global security and the integrity of United Nations resolutions protecting it cannot.

I urge the President to spare no effort to secure a clear, unambiguous demand by the United Nations for unlimited inspections.

Finally, on another personal note, I come to this decision from the perspective of a Senator from New York who has seen all too closely the consequences of last year's terrible attacks on our Nation. In balancing the

risks of action versus inaction, I think New Yorkers, who have gone through the fires of hell, may be more attuned to the risk of not acting. I know I am.

So it is with conviction that I support this resolution as being in the best interests of our Nation. A vote for it is not a vote to rush to war; it is a vote that puts awesome responsibility in the hands of our President. And we say to him: Use these powers wisely and as a last resort. And it is a vote that says clearly to Saddam Hussein: This is your last chance; disarm or be disarmed.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I seek the floor in my own right. I understand the distinguished Senator from West Virginia offered me 20 minutes of his time. I seek the floor in my own right. As I understand, under the present state of affairs, I have up to 1 hour.

The PRESIDING OFFICER. The Senator has the remainder of his 1 hour: 47 minutes.

Mr. BIDEN. I thank the Chair.

Mr. President, I will vote for the Lieberman-Warner amendment to authorize the use of military force against Iraq. And unlike my colleagues from West Virginia and Maryland, I do not believe this is a rush to war. I believe it is a march to peace and security.

I believe that failure to overwhelmingly support this resolution is likely to enhance the prospects that war will occur. And in line with what the distinguished Senator from New York just said, I believe passage of this, with strong support, is very likely to enhance the prospects that the Secretary of State will get a strong resolution out of the Security Council.

I will vote for this because we should be compelling Iraq to make good on its obligations to the United Nations. Because while Iraq's illegal weapons of mass destruction program do not—do not—pose an imminent threat to our national security, in my view, they will, if left unfettered. And because a strong vote in Congress, as I said, increases the prospect for a tough, new U.N. resolution on weapons of mass destruction, it is likely to get weapons inspectors in, which, in turn, decreases the prospects of war, in my view.

I am among those who had serious reservations about and flat out straight opposition to the first draft proposed by the White House on September 19. It was much too broad. The draft raised more questions than it answered. It was not clear whether the authorization requested by the President to use force was limited to Iraq or applicable to the region as a whole.

It was not clear whether the objective was to compel Iraq to destroy its weapons of mass destruction programs, to liberate Kuwaiti prisoners, or to end Saddam Hussein's regime. It was not clear whether the rationale for action was to enforce the U.N. Security Council resolutions that Saddam has flouted for the last decade or to implement a new doctrine of preemption. And it was not clear whether the administration considered working through the U.N. and working with allies important or irrelevant.

The second draft negotiated with congressional leadership—and I would say I believe, in part, as a consequence of the efforts of my good friend, Senator LUGAR, and me, and roughly 23 or 24 Republicans—got the attention of the administration. They were simultaneously negotiating with the Senator from Indiana and me as well as the leader in the House. The leader in the House reached an agreement first. I thought that was unfortunate because I believe we could have had a better resolution had that not occurred.

Nonetheless, the second draft negotiated addressed some of these questions but left others unanswered. Along with many of my colleagues on both sides of the aisle—notably, Senator LUGAR—I continued to seek greater clarity about the focus of the proposed resolution.

President Bush brought the resolution into sharper focus this week in his speech to the Nation. He said:

> War is neither imminent nor inevitable.

He also said his objective was to disarm Iraq, that his rationale to enforce United Nations resolutions was not based upon preemption, and that he desired to lead the world, and if war was necessary, it would be with allies at our side.

Mr. President, the resolution now before the Congress, similarly, is clear and more focused than previous drafts. It is not perfect, but it acknowledges the core concerns that Senator LUGAR, I, and others raised and that have been raised by such Senators as HAGEL and SPECTER and many others. Considered in the context of the President's speech this week, and his address last month to the United Nations General Assembly, this resolution, though still imperfect, deserves our support. Let me explain why.

First, the objective is more clearly and carefully stated. The objective is to compel Iraq to destroy its illegal weapons of mass destruction and its programs to develop and produce missiles and more of those weapons.

Saddam is dangerous. The world would be a better place without him. But the reason he poses a growing danger to the United States and its allies is that he possesses chemical and biological weapons and is seeking nuclear weapons, with the $2 billion a year he illegally skims from the U.N. oil-for-food program. For four years now, he has prevented United Nations inspectors from uncovering those weapons and verifying Iraq's disarmament, and he is in violation of the terms he agreed to allowing him to stay in power.

What essentially happened was, he sued for peace. What essentially happened was, the U.N. resolutions were a reflection of what ordinarily, if there were no U.N., would be in the form of a peace agreement.

This resolution authorizes the President to use force to

> defend the national security of the United States against the continuing threat posed by Iraq; and enforce all relevant United Nations Security Council Resolutions. . . .

In my view, and as has been stated by the President and Secretary of State, the threat to the United States is Iraq's weapons of mass destruction programs. The relevant U.N. resolutions are those related to Iraq's nuclear, chemical, and biological weapons. And the fact that we use the conjunctive clause, the word ''and,'' and not the word ''or,'' means that the authorization we are granting to the President is tied to defending the national security of the United States in the context of enforcing the relevant U.N. resolutions relating to weapons of mass destruction.

This is not a blank check for the use of force against Iraq for any reason. It is an authorization for the use of force, if necessary, to compel Iraq to disarm, as it promised after the Gulf War.

Some in the Administration have argued that our stated objectives should be the end of Saddam Hussein's regime. Regime change is the ultimate goal of American policy, as embodied in the sense-of-the-Congress provision of the Iraq Liberation Act in 1998. Indeed, an effective effort to disarm Iraq could well result in regime change. After all, such an effort would force Saddam to make a hard choice—either give up his weapons or give up power—and he has made the wrong choices many times before.

In his own words, the President said:

> Taking these steps would also change the nature of the Iraqi regime itself. America hopes the regime will make that choice.

But this resolution does not make Saddam's removal its explicit goal. To have done so, in my view, would run the risk of alienating other countries who do not share that goal and whose support we need to disarm Iraq and possibly to rebuild it. And it would significantly weaken our hand at the United Nations.

Nor does this resolution give the President the authorization to go to war over Bahraini prisoners, reparations owed to Kuwait, foreign MIAs, the return of Kuwait's national archives, or Saddam's ties to terrorism and human rights abuses. These are serious problems. The United Nations must continue to insist they be resolved, including maintaining embargoes and tightening and strengthening those sanctions against Iraq. But I doubt seriously the American people will support going to war to rectify any of them; nor will our allies.

The Secretary of State, in testimony before the Committee on Foreign Relations, made clear that our core objective is disarmament. I quote:

> I think it is unlikely that the President would use force if [Iraq] complied with the weapons of mass destruction conditions. . . .

we all know that the major problem . . . the President is focused on and the danger to us and to the world are the weapons of mass destruction.

By the way, even if my reading is incorrect and he would be able to go to liberate Bahraini prisoners, does anybody in this body think the President of the United States would risk American forces and, in a very crass sense, his presidency by going in with American forces unilaterally to make sure that Bahraini prisoners were in fact released? That is fiction.

This week the President stated the objective clearly and concisely. He said:

Saddam Hussein must disarm himself or, for the sake of peace, we will lead a coalition to disarm him.

The President is right to focus on disarming Iraq and not on regime change.

Second, the rationale is more tightly focused. It is to enforce the U.N. Security Council resolutions on weapons of mass destruction that Saddam has defied for more than a decade. This is a man who waged a war of aggression, lost the war, and sued for peace. The terms of surrender dictated by the United Nations require him to declare and destroy his weapons of mass destruction programs. He has not done so.

This resolution sets out in detail Saddam's decade of defying the Security Council resolutions on disarmament. It states that Iraq ''remains in material and unacceptable breach of its international obligations,'' through its weapons of mass destruction programs. It authorizes the President to enforce all ''relevant U.N. Security Council resolutions regarding Iraq,'' with force, if necessary.

As the President said this week:

America is challenging all nations to take the resolutions of the United Nations Security Council seriously.

That is what this is about. Yet some administration supporters have argued using force against Iraq is justified on the basis of a new doctrine of preemption, a doctrine that would represent the most far-reaching change in our foreign policy since the end of the cold war. In fact, the concept of preemption has long been part of our foreign policy tool kit. It is a doctrine well established under international law.

What we are talking about here in this new policy is a policy of prevention, striking first at someone who may some day pose a threat to us, even if that threat is not imminent today. This policy merits a serious national debate, but not adoption by this body, nor is it contained in this resolution.

The speed and stealth with which an outlaw state or terrorist could use weapons of mass destruction and the catastrophic damage they could inflict require us to consider new ways of acting, not reacting. But that is not what this is about.

It would be dangerous to rush to embrace as a new principle of American foreign policy a rule that gives every nation the right to act preventively. The former Secretary of State, Secretary Henry Kissinger, made this point powerfully in his testimony before my committee 2 weeks ago. I quote him:

As the most powerful nation in the world, the United States has a special unilateral capacity and indeed obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security.

Dr. Kissinger is right. What message would declaring a policy of prevention send to the Indians and Pakistanis, the Chinese and the Taiwanese, the Israelis and the Arabs, the Russians and Georgians?

This resolution does not send that message because it does not endorse the prevention doctrine. It does not need to. Because, as the President has argued, this is about compelling Saddam Hussein to make good on his requirement and obligation to disarm.

Third, this resolution makes clear the President's determination to build international support for our Iraq policy. Our allies throughout the world and in the region have important contributions to make in the effort to disarm Iraq and to rebuild Iraq, if we go to war. And we depend upon their continued cooperation in the unfinished war against terrorism. The United States has a singular capacity to act alone, if necessary. We must—and this resolution does—preserve our right to do so. But acting alone in Iraq would cost us significantly more in lost lives, in dollars spent, and influence dissipated around the world. Acting alone must be a last resort, not a defiant retort to those not yet convinced of our policy.

This resolution emphasizes the importance of international support, manifested through the United Nations Security Council. It states that:

The Congress of the United States supports the efforts by the President to—

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and,

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance. . . .

Similarly, the President, in going to the United Nations over the strong objection of half his administration, made clear his desire to work with others, not around them. In his speech this week, he talked about his determination ''to lead the world'' in confronting the Iraqi problem. He stated that if we act militarily, we will act ''with allies at our side.''

I am convinced he will follow through on this commitment.

In short, the combination of this resolution and the President's own words in recent speeches, both publicly and privately, give me confidence that most of our core concerns have been addressed.

I also take confidence from how far this administration has come on Iraq over the past year. Many in this Chamber predicted, and many who oppose this resolution predicted, that the administration would use the terrible events of September 11 as an excuse to strike back at Iraq. This, despite any credible evidence that Iraq was involved in the terrorist attacks on America.

Both The New York Times and The Washington Post have reported that in the days following 9/11, the most senior Pentagon officials urged the President to consider setting his sights on Iraq, not Afghanistan. I can say from personal conversations, I know that to be true. As a matter of fact, I gathered my Foreign Relations Committee staff not long after 9/11, when talk of going to Afghanistan was in this Chamber and at the administration. I suggested, based on conversations I had with some, be careful, prepare. We are not going to Afghanistan. We are going to Iraq.

I know there was a proposal that was being promoted to the President that he should use this as an excuse to go to Iraq. Secretary Rumsfeld is reported to have argued there would be a big buildup of forces with not that many good targets in Afghanistan.

At some point, the United States would have to deal with Iraq and is this not the opportunity? he apparently suggested—not to me; that is as reported. Many predicted the administration would ignore the U.N. and the need to build international support for its Iraqi policy. That is not surprising because senior administration officials said as much.

During the spring and early summer, literally dozens of articles flatly stated that the President planned a unilateral attack against Iraq. As late as August 29 of this year, The New York Times reported:

Officials in Washington and Crawford, TX, are engaged in an intense debate over whether they should seek to involve the United Nations one last time. . . . As one top adviser described the argument, Mr. Bush must decide ''whether to go it alone or go to the United Nations.'' He went to the United Nations.

Many predicted the administration would refuse to give the weapons inspectors one last chance to disarm. That is not surprising. That prediction would have been made because administrative officials consistently disparaged inspections.

Richard Perle, senior adviser to the Pentagon, said:

The inspectors are not going to find anything. . . .They will flounder if they are permitted to return.

Vice President CHENEY, as late as August 26 of this year, took this line:

A person would be right to question any suggestion that we should just get inspectors

back into Iraq and then our worries will be over. A return of inspectors would provide no insurance whatsoever of Saddam's compliance with U.N. resolutions.

I don't know how many Sunday shows I did from June through now, where every interviewer would say: But, Senator, you are wrong, the President is going to act alone. And they read me quote after quote from high officials.

Thank God for Colin Powell. Thank God for Colin Powell because that was the other half being argued by the administration quietly, saying: Mr. President, do not listen to those voices who counsel ''no inspectors and do not go back to the U.N.''

Many predicted the administration would not seek authorization from Congress for the use of force and, again, that is not surprising. As late as August 29 of this year, the White House counsel—the White House counsel—reportedly told the President that he had all the authority he needs to wage war against Iraq—there was a big deal about leaking a memorandum from the White House counsel to the world that Congress need not be involved, Mr. President. I had two private meetings with the President myself, where I made clear that I thought that was dead wrong and he would be—to use the slang on the east side of my city—''in a world of hurt'' if he attempted to do that.

The President said to me personally he was going to come to Congress if he sought authority. What did he do? He came to Congress. But it is not strange that my colleagues up here would believe he would not do that. The White House press secretary actually reiterated that conclusion of the White House counsel at a White House briefing. Each prediction by those who thought the President would make, in my view, the wrong choice, seemed very well founded because it was based on the beliefs and statements of very senior administration officials, including the Vice President of the United States.

We all know the lore around here—that the Vice President of the United States is the most powerful man in the administration. Some even suggest it goes beyond that. But guess what? Each prediction proved to be wrong, as some of us, quite frankly, predicted all along.

My colleague from New York may remember my getting a little bit of a sarcastic response in the Democratic Caucus when I suggested there was no possibility there would be a war before November; there was no possibility of an October surprise; there was no possibility that he would go and seek power to go to war, if need be, absent congressional authorization. There was no possibility he would fail to go to the U.N. It is not just because that is the only thing I believe a rational President could do, but because he told me—and I suspect many others—that that is what he would do.

Mr. President, President Bush did not lash out precipitously after 9/11. He did not snub the U.N. or our allies. He did not dismiss a new inspection regime. He did not ignore the Congress. At each pivotal moment, he has chosen a course of moderation and deliberation. I believe he will continue to do so—at least that is my fervent hope. I wish he would turn down the rhetorical excess in some cases because I think it undercuts the decision he ends up making. But in each case, in my view, he has made the right rational and calm, deliberate decision.

As I noted a few moments ago, the President said this week that the use of force in Iraq is neither ''imminent nor inevitable,'' and that makes sense because while the threat from Iraq is real and growing, its imminence and inevitability in terms of America's security have been exaggerated.

For two decades, Saddam Hussein has relentlessly pursued weapons of mass destruction. There is a broad agreement that he retains chemical and biological weapons, the means to manufacture those weapons and modified Scud missiles, and that he is actively seeking a nuclear capability. It remains less clear how effective his delivery vehicles are, whether they be the al-Hussein missiles, with a 650 kilometer range, short-range missiles, or untested and unmanned aerial vehicles for the dispersion of chemical and biological weapons.

Shifting weather conditions, the likely incineration of much of the chemical or biological agent in a warhead explosion, and the potential blowback on Iraqi forces, all complicate the Iraqi use of these weapons. But we are right to be concerned that, given time and a free hand, Saddam would improve this technology.

Other countries have, or seek, weapons of mass destruction. Saddam actually used them against his neighbors, against his own people. He has a lengthy track record of aggression—first, in Iran, then Kuwait. He has brutally repressed Iraqi civilians—the Kurds in the North, then the Shias in the south, and then the Kurds again. And the combination of Saddam Hussein and weapons of mass destruction is dangerous, destabilizing, and deadly.

Ultimately, either those weapons must be dislodged from Iraq, or Saddam must be dislodged from power. But exactly what threat does the combination of Saddam and weapons of mass destruction pose to the United States? How urgent is the problem? Some argue the danger is threefold: one, Iraq could use these weapons against us; two, it could use them to blackmail us; three, it could become a surreptitious supplier to terrorist groups.

Others question these scenarios. For example, Brent Scowcroft, President George Herbert Walker Bush's National Security Adviser, and chairman of President Bush's foreign intelligence advisory board, recently wrote:

> Threatening to use these weapons for blackmail—much less their actual use—would open [Saddam] 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.

Similarly, Scowcroft wrote ''there is scant evidence to tie Saddam to terrorist organizations, and even less to the September 11 attacks. Indeed, Saddam's goals have little in common with the terrorists who threaten us . . . and 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 a return address.''

Daniel Benjamin, former Director of Counter-terrorism on the National Security Council staff, and co-author of the remarkable new book, ''The Age of Sacred Terror,'' wrote recently in The New York Times the following:

> Iraq and Al Qaeda are not obvious allies. In fact, they are natural enemies. . . .To contemporary jihadists, Saddam Hussein is another in a line of dangerous secularists, an enemy of the faith. . . .Saddam Hussein has long recognized that Al Qaeda and like-minded Islamists represent a threat to his regime. Consequently, he has shown no interest in working with them against their common enemy, the United States. . . . Iraq has indeed sponsored terrorism in the past, but always of a traditional variety: it sought to eliminate Iraqi opponents abroad or, when conspiring against others, to inflict enough harm to show the costs of confronting it. But Mr. Hussein has remained true to the unwritten rules of state sponsorship of terrorism: never get involved with a group that cannot be controlled, and never give a weapons of mass destruction to terrorists who might use it against you.

I reiterate here, just as Mark Twain said, ''The reports of my death are much exaggerated,'' the reports of al-Qaida in Iraq are much exaggerated.

Our own intelligence community, in testimony before the Foreign Relations, Armed Services, and Intelligence Committees—that has been declassified—concluded that the probability of Iraq initiating an attack against the United States with weapons of mass destruction is ''low''—l-o-w—low. They also have concluded that ''Baghdad for now appears to be drawing a line short of conducting terrorist attacks . . . with chemical or biological weapons against the United States.''

I believe it is unlikely Saddam Hussein will use weapons of mass destruction against us unless he is attacked. To do so would invite immediate annihilation, and I am skeptical that he would become a supplier to terrorist groups. He would risk being caught in the act or having those weapons turned against him by groups who disdain Saddam as much as they despise us, and he would be giving away what is to him the ultimate source and symbol of his power, the only thing that makes him unique among the thugs in the region.

Of course, Saddam has miscalculated before, and we are right to be concerned about the possibility, however remote, that he will do it again, but we are wrong on this floor to exaggerate

and suggest this is the reason and justification for going against Saddam.

What I do believe is that Saddam's primary goal is to dominate his region. His history, his actions, and his statements make that clear. Weapons are a means to that end for him, a terrible tool of intimidation that he could use to bully his people and his neighbors.

During the gulf war, the knowledge that Saddam Hussein had chemical and biological weapons did not deter us from expelling his forces from Kuwait. We gave him clear warning that using these weapons against our troops would invite a devastating response. Let me remind everybody, he did not use them. But a nuclear weapon could well change Saddam's calculus. It could give Saddam an inflated sense of his invisibility. It could lead him to conclude erroneously that he finally had the great equalizer against American power and that he could fuel a new spasm of aggression against his neighbors or the Kurds in the mistaken belief that we would be deterred for fear that, if we put anyone on the ground, they would be annihilated with his theater or tactical nuclear weapon.

We cannot let Saddam Hussein get his hands on nuclear weapons. In particular, we must deny Iraq the necessary fissile material, highly enriched uranium, or weapons grade plutonium needed for a nuclear weapon.

According to an unclassified letter released by the Director of Central Intelligence this week:

> Iraq is unlikely to produce indigenously enough weapons grade material for a deliverable nuclear weapon until the last half of this decade.

Therefore, if Iraq wants a nuclear capability sooner, it will need to turn to foreign sources for fissile material which could shorten the timetable for an Iraqi nuclear weapon to about a year. This reality underscores the importance of U.S. and international efforts not only to disarm Iraq, but also to reduce and better secure fissile materials in the former Soviet Union, the most logical source of black market purchases or theft.

Concerning Iraq, our first step should be the one the President apparently has chosen: to get the weapons inspectors back into Iraq. There is disagreement about the value of weapons inspections. Skeptics, particularly our Vice President, contend that inspections can never guarantee the complete disarmament of Iraqi weapons, especially given the prevalence of dual-use materials and mobile facilities for the production of chemical and biological weapons.

Proponents believe that inspectors heighten the barrier to development and production of WMD and will buy time until a regime change in Iraq occurs. They point to the success of UNSCOM and IAEA.

For example, the British white paper on Iraq's WMD issued last month, which was quoted by those who wish to move against Iraq, says:

> Despite the conduct of the Iraqi authorities toward them, both UNSCOM and IAEA action teams have valuable records of achievement in discovering and exposing Iraq's biological weapons programs and destroying very large quantities of chemical weapons stocks and missiles, as well as the infrastructure for Iraq's nuclear weapons program.

It has been argued that UNSCOM's most notable achievements were the result of fortuitous defections. In fact, much of UNSCOM's success was due to diligent detective work in Iraq. But let's assume that defections and not detection are the key to success. Isn't the best way to encourage defections, isn't the best way to get firsthand information about Iraq's weapons programs to have inspectors back on the ground talking to the key people?

I agree with President Bush that given a new mandate and the authority to go any place, any time, with no advance warning, U.N. inspections can work. They can succeed in discovering and destroying much of Saddam's chemical and biological arsenals and his missile program. They can delay and derail his efforts to acquire nuclear weapons and, at the very least, they will give us a clearer picture of what Saddam has, force him to focus on hiding his weapons and not building more, and it will buy us time to build a strong coalition to act if he refuses to disarm.

There is no question that with regard to Iraq, we have a real and growing problem. But I also believe we have time to deal with that problem in a way that isolates Saddam and does not isolate the United States of America . . . that makes the use of force the final option, not the first one . . . that produces the desired results, not unintended consequences. That is the course President Bush has chosen, in my view.

Now it is incumbent upon the United Nations and the U.S. Congress to help him stay the course. The United Nations Security Council must deliver a tough new resolution that gives the weapons inspectors the authority they need to get the job done. As the President put it, the inspectors ''must have access to any site at any time without preconditions, without delay, and without exceptions.''

Mr. President, the resolution should set clear deadlines for compliance, and it should make clear the consequences if Saddam Hussein fails to disarm, including authorizing willing U.N. members to use force to compel compliance.

I also agree with the President that a key component of any inspections regime must be the U.N.'s ability to interview those with knowledge of Iraq's weapons programs in a climate free of fear and intimidation, including being able to take them outside of Iraq. Offering sanctuary to those who tell the truth would also deprive Saddam Hussein of their expertise.

To that end, this week, Senator SPECTER and I introduced legislation called ''The Iraqi Scientist Liberation Act'' that would admit to our country up to 500 Iraqi scientists, engineers, and technicians, and their families who give reliable information on Saddam's programs to us, to the United Nations, or to the International Atomic Energy Agency.

It is also critical the Congress send the right message to the United Nations Security Council. Its members must not doubt our determination to deal with the problems posed by Iraq's weapons of mass destruction, including our willingness to use force, if necessary.

The stronger the vote in favor of this resolution, the stronger the likelihood, in my view, that the Security Council will approve a tough U.N. resolution. That is because the U.N. will conclude if we do not act, America will. So we'd better.

The tougher a U.N. resolution, the less likely it is that we will have to use force in Iraq. That is because such a resolution would finally force Saddam to face the choice between inspectors and invaders, between giving up his weapons and giving up power, and there is at least a chance that he might make the right choice.

There is also a chance Saddam will once again miscalculate, that he will misjudge our resolve, and in that event we must be prepared to use force with others if we can, and alone if we must.

The American people must be prepared. They must be prepared for the possible consequences of military action. They must be prepared for the cost of rebuilding Iraq as the President said he is committed to do. They must be prepared for the tradeoffs that may be asked of them between competing priorities. They must be prepared for all these things and more because no matter how well conceived, no matter how well thought out a foreign policy, it cannot be sustained without the informed consent of the American people.

If it comes to that, if it comes to war, I fully expect the President will come back to the American people and tell us what is expected of us. As a matter of fact, when he met with the congressional leadership and the committee chairmen about 10 to 15 days ago—I forget the exact date—we were all around the Cabinet table and at one point he turned to me and he said: Mr. Chairman, what do you think?

And I said: Mr. President, I will be with you if you make an earnest effort to go through the United Nations, if you try to do this with our allies and friends; if in fact the U.N. does not support our effort, as in Kosovo, and if you are willing to be square with the American people, Mr. President, of what sacrifices we are going to ask of them, particularly the need to have a significant number of American forces in place in Iraq after Saddam Hussein is taken down.

In the presence of all my colleagues at that meeting, he said: I will do that.

He has never broken his word.

He has made two very important speeches so far—one at the U.N. and one to the American people—about the danger of Saddam Hussein, but no one yet has told the people of Georgia, the people of Delaware, the people of this country what we will be asking of them because it will be profound. It may be necessary, but it will be profound. As I said, if it comes to war, the President, I am confident, will go to the American people.

In his speech this week, he made a compelling case that Iraq's failure to disarm is our problem as well as the world's, but he has not yet made the case to the American people that the United States may have to solve this problem alone or with relatively few others, nor has he told us of the sacrifices that such a course of action could involve.

I am confident he will do so, if and when it proves necessary, but I also want to be clear about the issues the President must address before committing our Armed Forces to combat in Iraq, as a moral obligation to level with our people.

First, the consequences of military action: Attacking Iraq could and probably will go smoothly. We have the finest fighting force in the world. Our defense budget exceeds that of the next 15 countries combined. According to expert testimony my committee received this summer, Iraq's conventional forces are significantly weaker than they were during the Gulf War. As a leading expert in the Middle East, Mr. Fouad Ajami told the committee there is a strong likelihood the Iraqis will welcome us as liberators.

While it would be reasonable to expect the best, it would be foolhardy not to prepare for the worst. There is a danger in assuming that attacking Iraq will be, as some suggest, ''a cakewalk.'' We should all heed the powerful words of military analyst, Anthony Cordesman, who testified before the Foreign Relations Committee in July. He said to my committee:

> I think it is incredibly dangerous to be dismissive [of the difficulty]. It is very easy to send people home unused and alive. It is costly to send them home in body bags because we did not have a sufficient force when we engaged. And to be careless about this war, to me, would be a disaster . . . This is not a game, and it is not something to be decided from an armchair.

There is a danger in attacking Iraq. There is a danger that attacking Iraq could precipitate what we are trying to prevent: Saddam's use of weapons of mass destruction against our troops.

My friend from Georgia who is presiding is a military man. He is a former marine. He is a tough guy. He is level headed and straight. He might be interested that last Sunday, as I came down to the memorial for firefighters—he knows I commute every day and I never come to Washington on Sunday—but there was a tribute to fallen firefighters which occurs every year and I was asked to speak. As I got off the train, I ran into a four-star—I do not want to identify him too closely—general in one of our branches who held a very high position very recently and still holds a very high position. I asked him what he thought about the possibility of this war, and he said he did not like it.

He said two things to me, and I say this to the Presiding Officer, an ex-marine. He said there are two things that will be fundamentally different from ever before: We have never gone to war in an environment that could possibly be totally contaminated before we get there; and, number two, we have never gone house to house in a city of 4 million people.

This all may work perfectly well. This all may go just so nicely. But to imply to the American people that is a surety would be immoral, disingenuous, and would reap a whirlwind if it does not occur.

The American people are tough. They will do what they think is necessary for our security and they will make sacrifices. But I will have no part if we go to war providing pablum to them that somehow this is going to likely be an overwhelmingly easy undertaking.

If we notice, everybody says the American people support this war. That is not true. They support this war if it is a 100-day war like the last war was. They do not support the President's ability to go to war unilaterally. If we look at all the polling data, what they support is if we go with our allies in response to a genuine threat, which I think exists, and if it is not going to be costly in terms of the loss of human life, American soldiers, then they overwhelmingly support it. Over half still support it even if there is some loss of life, but hardly anyone supports it if it is alone or if there is a significant loss of life.

As CIA Director George Tenet stated in a letter to Senator GRAHAM this week:

> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably—

Let me say that again—

> He probably would become much less constrained in adopting terrorist actions. Such terrorism might involve . . . chemical and biological weapons. 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.

There is a danger that Saddam would seek to spark a wider war. I just did one of the shows we all do with Charlie Rose. He quoted to me what I knew privately from my discussions with him: the former commander of CENTCOM testifying that he saw no need to go into Iraq now, and the cost would be high.

There is a danger that Saddam would seek to spark a wider war. Many experts have expressed concern to my committee that if attacked Saddam Hussein would lash out at Israel. Last month, The New York Times reported that Israeli Prime Minister Ariel Sharon told senior administration officials that Israel would strike back if Iraq attacks Israel. Then, key Arab countries could come under tremendous pressure to break with us and confront Israel. It would be wrong for us to tell Israel what they should or should not do in their self-defense, but it would also be wrong to ignore the risk that a war against Saddam Hussein will ignite a much larger conflagration.

There is a danger that Saddam's downfall could lead to widespread civil unrest and reprisals. There is only one thing I disagree with in the President's speech on Monday. He said what could be worse than Saddam Hussein? I can tell you, a lot.

As I said, there is a danger that Saddam's downfall could lead to widespread civil unrest and reprisal. Chaos could invite the Kurds to seize valuable oil fields; the Turks to cross the border in an effort to prevent a Kurdish state from arising; and Iran and even Syria to move in to fill a vacuum.

Not one of these scenarios is inevitable. None should be used as an excuse for inaction. But each must figure into our planning and into the minds of the American people if we ultimately use force against Iraq. We must be honest with the American people.

In his speech this week, the President made it clear that if military action is necessary, ''the United States and our allies will help the Iraqi people rebuild their economy and create the institutions of liberty in a unified Iraq and peace with its neighbors.''

This is a much more complicated country than Afghanistan. We are not done in Afghanistan. We have not kept our commitment in Afghanistan. We are taking on a big deal here. I know the Presiding Officer and my colleague from Ohio and my colleague from Vermont know Iraq is an artificially constructed nation. When has there been a circumstance in Iraq when there has been anything remotely approaching a democratic republic? I cannot think of it in the history of Iraq as defined now. The Kurds are Indo-European Sunnis, the Sunnis are Arab Sunnis, the Shiites, who make up 60 percent of the population primarily between the Tigris and Euphrates Rivers, are Shiites who have been at war with the Sunnis. The Iranians are Shiite. There are 700,000 Iraqi Shiites in Iran.

This is complicated stuff. But to listen to some of my colleagues on the floor who blow this off like, no problem, take down Saddam, there is a James Madison waiting to step into the vacuum, we will have a democratic republic, it will set a new tone and tenor, as the Vice President said, for all of the Middle East, because we will have a new democracy there, that is a big deal. It is a big undertaking.

Why did the President say this? This is a critical commitment, one I wholeheartedly endorse, but it is not done out of altruism, but out of a hard-boiled calculation that in Iraq we cannot afford to trade a despot for chaos.

None of this will be cost free. It will require a significant investment of military, financial, and human resources.

Let's start with the cost of war. Last month the White House economic adviser estimated the cost of the military campaign in Iraq at between $100 and $200 billion. My friends in the Senate are all economic conservatives. Where are we going to get the money? I say to my friends, as I said in committee, those who want to see a national health insurance policy, forget it for a while. Those who want to make permanent the present tax cut, forget it for a while. As they say in parts of my State, ''you ain't got the money.''

It doesn't mean we shouldn't move on Iraq, but it means we should be honest with the American people, and tell them what the estimated cost by this administration is. By the way, that estimated cost is similar to what the Congressional Budget Office suggested. The higher cost estimates would result from a lengthy campaign and external factors such as a spike in oil prices if that occurs. That is just to win the war. The cost of securing the peace could be significantly higher and could extend years into the future.

On the other hand, maybe we will end up with an Iraqi Government in place. There is plenty of money in Iraq. They can fund their own reconstruction. And that may happen. I am not being facetious. But it is not anywhere near certain.

I say ''could'' because there are those who believe our commitment to Iraq the ''day after'' need not involve exorbitant expenditures. Former Defense Secretary Caspar Weinberger told my committee in August, and Secretary Rumsfeld repeated it last month, that the United States would not have to stay too long in Iraq. They and others argue that Iraq has a talented population and considerable resources to pay for its own reconstruction.

The problem is, one-third of that population hates the other two-thirds of the population. They say Iraq will quickly be able to organize itself politically, economically, and militarily into a peaceful, unified nation, free of weapons of mass destruction.

The American people need to know that most experts believe Iraq will require considerable assistance politically, militarily, and economically. Indeed, they say we should speak not of ''the day after'' but of ''the decade after.'' My committee heard testimony in July from a military expert in post-conflict reconstruction. The fellow who headed up that department in the Pentagon stated that 75,000 troops would be required at a cost of $16 billion for just the first year, to maintain order, preserve Iraq's integrity, and secure its weapons of mass destruction sites. Just to do that. Just to do that. Other experts predict the United States will have to engage substantial resources in Iraq, which has no history of democracy, for many more years.

When my cowboy friends say, ''Why do we need anybody? Let's go get them,'' I don't want all 75,000 of the forces being American. Anybody happen to notice recently that in Kuwait American military personnel are being picked off? Anybody happen to notice that? Anybody happen to notice the targets in Afghanistan? Where have we been? The American people need to know what the experts know. We have an obligation, the President has an obligation, to tell them, if the need arises.

In a recent study in the Atlantic Monthly, James Fallows summed up the significant challenges that Iraqis will not be able to handle on their own. This is overwhelmingly agreed upon by left, right, and center. He says they will not be able on their own to handle the following: Cleaning up the after-effects of battle and malicious destruction Saddam Hussein may create with chemical and biological weapons or by sabotaging his own oil fields; providing basic humanitarian needs in the short term such as food, water, and medical care; dealing with refugees and displaced persons, the 700,000 Shiites in Iran—I remind Members of the 700,000 in Iran; catching Saddam Hussein if he tries to flee—we are still looking for Osama bin Laden. We are still looking for Omar the tent maker. We are still looking for these guys. We don't have them; Providing police protection and preventing reprisal killings; denazification of Baathist officials and security services; aiding in the formation of a new government; ensuring Iraq's territorial integrity and dealing with possible Iranian and Turkish intervention; rebuilding the oil industry while ensuring a smooth reentry of Iraqi oil into the world market.

That is a finite list that everyone acknowledges no new government in Iraq could do quickly. Those who argue most vigorously that a post-Saddam Iraq can be a model and source of inspiration for democracy in the region and throughout the Muslim world must be prepared to back the massive, long term American commitment. To set that objective, but then to believe it can be done on the cheap, is a recipe for failure.

Let me quote from Mr. Gingrich. This is a news report in The New York Times.

> The advisers, who include former House Speaker Newt Gingrich and Mr. Perle, argue the White House should create a high-level interagency group to coordinate military and reconstruction planning before an invasion takes place. That sort of powerful council could overcome the bureaucratic and philosophic divisions that have hindered reconstruction planning, the advisers contend.
>
> ''It was a mistake we made in Afghanistan,'' said Mr. Gingrich who sits on the Defense Policy Board. ''You shouldn't go into a country militarily without having thought through what it should look like afterwards.''

The mere fact that these men on the board are saying we should do this is evidence it has not been done yet.

We must be clear with the American people that we are committing to Iraq for the long haul; not just the day after, but the decade after.

Finally, let's consider the possible tradeoffs here.

The President has argued that confronting Iraq would not detract from the unfinished war against terrorism. I believe he is right. We should be able to walk and chew gum at the same time. But if military action comes, it will take a herculean effort for senior leaders of our Government to stay focused on two major undertakings at once. War is intense. A new front against Iraq must not distract us from job number one—taking down al-Qaida.

Let's also be clear that this could involve sacrifices. For example, the war on terrorism is putting intense demands on Navy Seals, Army Green Berets, Delta Commandos, Air Force ground controllers, and Arabic linguists. Units have been deployed to Afghanistan, Pakistan, Georgia, Yemen, Africa, and the Philippines, and last month the commander of United States special-operation forces requested an additional $23 billion over the next 5 years to prosecute the war against al-Qaida and other terrorist groups. Not—not—Iraq. Our intelligence services have also redirected resources to the war on terrorism.

How are we going to pay for all this? Can we take on Iraq, prosecute the war on terrorism, and maintain the President's tax cut for the wealthiest Americans? Can we afford to repeal the estate tax for the top 2 percent of the population who pay it? What would be the prospects for national health insurance and prescription drug benefits in the near term?

The point is, we will do what we have to do to protect our national security, but let's not kid ourselves that it can come down cost free, without tradeoffs, and without setting priorities.

Setting priorities and making hard choices is what governing is all about. So is being forthright with the American people about what is expected of them. We should not be afraid to ask our fellow Americans to sacrifice for a vital cause if we conclude we should go to war. Generation after generation of Americans has done so willingly and will do it again if that is what they are called upon to do. But we must be straight with them.

In conclusion, few resolutions that come before the Congress are as grave and consequential as the one before us today. We have heard powerful arguments on both sides of the resolution, and concerning the various amendments that have been presented. That is how it should be. We have come a long way during the last year. The administration that many thought would ignore the United Nations, ignore the Congress, has and is seeking the support of both.

We have come a long way in 3 weeks, a long way since the White House first offered its draft resolution. This resolution and the President's words make it clear that the administration's objective is to disarm Iraq and that the

rationale to enforce Iraq's obligations to the United Nations is the reason we would go, and that its determination is to work with others, not alone. The President has made it clear that war is neither imminent nor inevitable.

I am confident that the reason the President, thankfully, disregarded the advice of some in the administration—that he understands the significant need for others to support us—is that fighting two wars, a war in Iraq and a war against terrorism, can be greatly assisted the more the world is with us. We do not need them if it comes to that. But the cost we will pay will be significantly higher.

I compliment the President for recognizing that. I am absolutely confident the President will not take us to war alone. I am absolutely confident we will enhance his ability to get the world to be with us by us voting for this resolution. I am absolutely confident, if it comes time and need to go to war, with others or alone, the President will keep his commitment to make the third most important speech in his life, to come to the American people and tell them what is expected of them, what is being asked of them.

To do any less would be to repeat the sin of Vietnam. And the sin of Vietnam, no matter what our view on Vietnam is, is not whether we went or didn't go. But the sin, in my view, is the failure of two Presidents to level with the American people of what the costs would be, what the continued involvement would require, and what was being asked of them.

We cannot, must not, and, if I have anything to do with it, we will not do that again.

I thank the Chair for its consideration and its patience. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. REID. Mr. President, we have exhausted the last unanimous consent order that has been entered here. We have a lot of Senators who have indicated a desire to speak, and they have the right to do that. What I would like to do is this. Both cloakrooms have worked to come up with a list of speakers. We have a very long list, but we have learned from sad experience here this week that we should not make it a really long list.

So what I suggest to my colleague, Senator MCCAIN, is that we go down the list for four or five Senators and then we will come back again and try to get another list. We have a long list, but rather than enter it—we tried that earlier this week, and everyone should understand it will not work because people do not use all their time so others are not here when it is time to start. But if we have a few Senators, it works better.

I ask unanimous consent that the list of speakers start with Senator DEWINE for 35 minutes.

Mr. MCCAIN. For 45.

Mr. REID. OK, that is fine.

Mr. MCCAIN. Forty-five.

Mr. REID. Senator COLLINS for 20 minutes. The reason we have this is we have had a long string of Democrats who have spoken: Senator KOHL, 7 minutes; Senator HARKIN, 7 minutes; Senator SCHUMER, 30 minutes; Senator SPECTER, 45 minutes; and Senator CARPER, 20 minutes. We would end it at that time—not end it, but we would be back to enter another list and find out if we have had any added to it or taken from it.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I am sorry, I will not object, but I couldn't hear.

Mr. REID. What I said is we will come back after this list is completed and see if there are any additions or deletions and try to get another list. We have a very long list here but, believe me, it will not work to stick it in from top to bottom.

The PRESIDING OFFICER. Would the Senator from Nevada repeat the list again?

Mr. REID. DEWINE, 45 minutes; COLLINS, 20 minutes; KOHL, 7 minutes; HARKIN, 7 minutes; SCHUMER, 30 minutes; SPECTER, 45 minutes; CARPER, 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I would say to everyone within the sound of my voice, everyone has time to speak if they can get the floor. We have a list here to make it so people are not trying to get the attention of the Chair.

I hope Senators will be considerate. There is only 30 hours. If somebody comes and takes an hour, it does not leave time for others. Some have already spoken. I think those who have spoken—I hope they will be considerate of a lot of Senators who have not spoken.

The fact that we have allotted all this time doesn't mean everyone has to use every minute of the time allotted. So those Senators who are in this queue, if they would be around in case someone doesn't show up or is stuck in traffic or whatever the case might be, we could finish a lot quicker.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I would like to begin by thanking all my colleagues who have participated in this very crucial and historic debate. I must say I was struck last Friday by the magnificent debate between Senator BYRD and Senator WARNER. I think their debate on Friday represented what the Senate is all about, and I congratulate both of them. Really, every Member who has come down here has had something to contribute.

It is clear that each Member who came down here has thought long and hard about this very important vote.

Throughout my Congressional career, I have believed that the United States must lead in foreign affairs. In doing so, our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and the rule of law. And, I am not at all ashamed to say that our most important export to the international community is our ideals and our ideas.

The first U.S. President I remember as a child is Dwight D. Eisenhower. We know that he ran for President because of his strong belief that the United States needed to lead in the world. He believed that by leading and by being involved in the world—and not isolated from it—we would have the best chance of guaranteeing peace, freedom, and stability. As President Eisenhower said in his January 1961 farewell address:

> America's leadership and prestige depend, not merely upon our unmatched material progress, riches and military strength, but on how we use our power in the interests of world peace and human betterment.

He understood that we have a moral obligation, as the leader of the Free World, to use our power to promote freedom and stability and to help alleviate suffering around the globe. And in that process, he understood the importance and the necessity of working with our partners through organizations, such as NATO.

And though it is vital that we be engaged in world affairs and work with other nations whenever possible, ultimately we cannot escape the fact that when the world looks for leadership, it can look to only one place—and that place is, of course, the United States of America.

History has put us here. And, if the United States does not lead, there is no one else who can lead—and frankly, no one else who will lead.

That is why, in the 1980s, when I was in the House of Representatives, I supported efforts to establish stability and democracy in Central America. The United States led—and it made a difference. Significant progress was made in Central America. Democracies emerged.

And, significant progress was made throughout the Western Hemisphere. In 1981, 16 of the 33 countries in our hemisphere were ruled by authoritarian regimes. Today, all but one of those nations—Cuba—have democratically elected heads of government.

They are certainly not all perfect and maybe those nations don't conform exactly with how we see democracy, but they certainly are better off than they were 25 years ago.

The United States led. It made a difference. It paid off.

That is why, throughout my career, I have supported U.S. leadership efforts—efforts to export our democratic values to other areas of the world,

using tools, such as foreign trade and foreign aid.

Speaking of foreign aid, though I wasn't in Congress at the time, I supported U.S. leadership through NAFTA. I voted in favor of Trade Promotion Authority to give the President fast track or enhanced trading abilities with our global partners. I voted in favor of the Andean Trade Preferences Act to expand the economic benefits of trade with the nations of the Andean region. I voted in favor of the African Growth and Opportunity Act and the expanded Caribbean Basin Initiative. And, I support efforts to negotiate free trade agreements within our Western Hemisphere.

All of these efforts require strong U.S. leadership. So, too, does an underutilized tool of our foreign policy—and that is foreign aid.

First, we don't utilize it enough. Currently, our foreign assistance budget comprises less than one percent of our overall budget, and is barely 0.1 percent of our Gross Domestic Product.

Second, we aren't creative enough with the limited resources we do have in our foreign assistance budget. And so, here, too, the United States needs to lead.

There are things we can do with this assistance. We can and we must do more to help end suffering throughout the world. We can and we must do more to help alleviate the worldwide AIDS pandemic. We can and we must do more to feed starving children worldwide. We can and must do more to help implement the rule of law in developing democracies. We can and we must do more to foster agricultural and economic development in poverty-stricken, disease-ridden, war-ravaged parts of our world. And, as the leader of the Free World, we also have a moral obligation to bring stability and peace to volatile, violent regions around the globe.

Candidly, sometimes the only way to do that is through the use of our military. That's why I supported military action in Bosnia in 1995 and in Kosovo in 1999. The simple reality is that the job could not get done without U.S. leadership. We had to go in. We had to lead. It was the right thing to do, and we did it.

And so, Mr. President, it may seem paradoxical now that I have found the decision concerning this Resolution to be very, very difficult. It is difficult, I believe, principally for two reasons.

Let me outline them for the Senate.

First, the resolution before us is an authorization of force to be used by the President—at his discretion—at some point in the future. It is not a declaration of war. And, it does not say that war will take place.

But, it does authorize the President "to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to: Defend the national security of the United States against the continuing threat posed by Iraq; and enforce all relevant United Nations Security Council Resolutions regarding Iraq."

While unusual, this type of resolution is not without precedent. Congress passed the Gulf of Tonkin resolution in 1964, which said this:

> Congress approves and supports the determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I went back to the CONGRESSIONAL RECORD of 1964 and read some of Senator Gruening's and Senator Morse's remarks to get a better understanding of why they dissented—why they voted against this resolution. I also read comments from those who voted "yes."

However, it is noteworthy that the Gulf of Tonkin Resolution was not the first time Congress had passed a resolution to give the President the authority to use force—at his discretion—at some point in the future. Actually, Congress passed two such resolutions during the Eisenhower Administration: one in 1955 regarding Formosa and one in 1957 regarding the Middle East.

So while there is precedent, this type of resolution to grant the President the authority to use force, at his discretion, at some point in the future, is certainly unusual, and so we have an obligation to treat this matter with great caution. Granting the President this kind of power is indeed a very grave matter.

The second reason this decision, for me, has been so difficult is that the consequences of war would be so serious. A possible war against Iraq would have very real and very serious consequences, many of them unforeseen today.

I believe the American people need to understand this. My colleague, Senator BIDEN, who preceded me, made that point very well. I believe we have an obligation during this debate to explain to the American people what war with Iraq might mean. We have an obligation to be brutally frank in telling the American people about these consequences of war.

What are they? What are the risks of war with Iraq?

First, Saddam Hussein may very well use chemical and biological weapons against our troops. If we went to war, we would be attempting to remove Saddam from power. Therefore, unlike the Persian Gulf war, this time he is likely to actually use those chemical and biological weapons against our troops, or at least attempt to.

Second, we know that war with Iraq dramatically increases the possibility of attacks against United States troops stationed in other places abroad and United States civilians throughout the world.

Third, we know that war with Iraq increases the possibility of attacks against Americans right here at home, in our mainland.

This has already been read on the floor and discussed, but I would like to read to my colleagues some information recently declassified by the CIA. In a letter to Senator GRAHAM dated October 7—Monday of this week—the CIA released the following:

> Baghdad, for now, appears to be drawing a line short of conducting terrorist attacks with conventional or biological weapons against the United States.
>
> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions. Such terrorism might involve conventional means, as with Iraq's unsuccessful attempt at a terrorist offensive in 1991, or [through] chemical or biological weapons.
>
> Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a weapons of mass destruction attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

This information is certainly chilling.

We also know that war with Iraq increases the likelihood that Saddam will launch Scud missiles against Israel, this time maybe with biological or chemical agents attached to the missiles. In fact, Iraq has admitted to the weaponization of thousands of liters of anthrax, botulinim toxin, and aflatoxin for use with Scud warheads, aerial bombs, and aircraft.

Furthermore, if attacked, what would Israel do? Would Israel, this time, retaliate? In the Persian Gulf war, Israel held back, but would they this time? And if they did not, in such a scenario, what would other countries do? What would Syria do, for example? What are the chances of the entire Middle East literally going up in flames?

At the conclusion of a war with Iraq—we would win the war; we know that—but at the conclusion of a war with Iraq, there very well may be bloody, fractious battles among the different ethnic groups residing in Iraq. Pent up hostilities among Shiites, Sunnis, and Kurds—just to mention a few—would be difficult to restrain, easily resulting in families warring against families and neighbors against neighbors, all fighting village to village and house to house. And there simply would not be enough United States troops or allies you could place into Iraq to stop that from happening.

What are the unintended global consequences of the United States using preemptive action? How does this change the dynamics of the world? What would it mean for the India-Pakistan nuclear standoff? What would it mean for China and Taiwan? Would these nations be less restrained in using preemptive strikes? These are questions to which we do not know the answers.

Finally, what will Iraq look like after the war? What kind of humanitarian assistance will be needed? How many people will we have to feed? What is our plan now for reconstruction? What does it cost? Who will help? What other countries will we be able to involve in helping us?

We can expect to pay for a large part of this. And we can expect our troops

to be involved for an extended, indefinite period of time—not days, not months, but years. And there could be no doubt about that.

So, yes, Mr. President, there are grave consequences of going to war with Iraq. We cannot predict the future. We do not know exactly how Saddam would react. But it is vital that the American people understand the sobering reality of a war with Iraq; that all Americans understand the uncertainty and the risks and the dire consequences.

Yet we also know that inaction is not a choice when it comes to the situation in Iraq. Inaction is just not a choice. We know the status quo is unacceptable. We know things have languished too long. We know Saddam Hussein's regime is in possession of chemical and biological weapons. And we know they are working, as frantically as they can, to develop nuclear weapons.

The fear is, also, that Saddam Hussein would eventually put these weapons into the hands of other terrorist groups, terrorist groups such as al-Qaida, terrorist groups that have no qualms about targeting U.S. citizens anywhere in the world, terrorist groups that have networks already established around the world. When that handoff would be made, the consequences would be unbelievable.

President Bush made very clear in his speech on Monday night in Cincinnati:

> Saddam Hussein is a threat to peace, and he must disarm.

So I commend President Bush for putting Iraq back on the world stage in his very forceful speech at the United Nations. He has taken Saddam Hussein's evil regime by the throat and dragged it back in front of the eyes of the international community. And he has forced the United Nations to confront Saddam's rampant and flagrant disregard of 10 years' worth of U.N. Security Council resolutions. He has forced the U.N. to confront its failure to enforce past resolutions regarding weapons inspections. And, rightly so, President Bush has forced both the U.N. and our own country to confront this global threat and to deal with it. I commend the President for his leadership.

None of us in this body disagrees about what Saddam Hussein is. We know he is a power-hungry dictator, the embodiment of pure evil. The litany, ably recited here day after day, detailing Hussein's thirst for power, is by no means exaggerated, nor is it understated. And there is simply no logic to his actions. Just think back to his attempt to assassinate former President Bush shortly after President Clinton took office. Even in his perverse view of the world, what in the world could that have accomplished from his point of view?

Clearly, Saddam is ruthless. He is diabolical. He is a cold-blooded killer. He has launched Scud missiles against his neighbors. He has diverted much of the $10 billion worth of goods now entering Iraq every year—money he gets from oil—he has diverted that money he is supposed to use for humanitarian purposes, to help his own people, to develop weapons of mass destruction.

He has murdered his own people. He has killed or injured more than 20,000 Kurds with mustard gas and sarin.

In short, Saddam is a 20th century Adolf Hitler, straddling 21st century weapons of mass destruction. No one in this body disagrees Saddam Hussein is an evil despot, but reasonable people can still disagree about our policy for disarming Hussein; reasonable people can disagree with the wording of the resolution we are debating; reasonable people can disagree about the timing; and reasonable people can disagree about how we proceed at the United Nations.

This is a very difficult decision. There are very legitimate issues of controversy.

Yes, the costs will be high, very high, if we go to war. Again, that is why this decision has for me been so very difficult. It is the most serious vote I have cast in the 8 years I have been in the Senate.

None of us take the gravity of this vote lightly. Over the last several weeks I have spent many hours in Intelligence Committee hearings and briefings and other briefings gathering as much intelligence and information as humanly possible. I have met with numerous current and former high-ranking officials from the military, the CIA, the State Department. I met personally with President Bush.

At the end of the day, we still must weigh all of the costs and all of the consequences of a potential war with Iraq against the potential for peace and stability and lives saved that will come with the disarmament of Saddam Hussein.

Let's be honest, though. The fact is, the ghost of the 1964 Gulf of Tonkin resolution haunts this Chamber, just as the tragedy of Vietnam and the over 58,000 U.S. lives that were lost hang heavy in the heart of America. We should be haunted by the Gulf of Tonkin resolution, and we should be haunted and troubled by the Vietnam war.

However, it is instructive, as I mentioned earlier, to remember that the Gulf of Tonkin resolution was not the first time Congress gave the President the authority to commit U.S. Armed Forces at his discretion at some time in the future.

In January 1955, when Dwight Eisenhower was President, the Chinese Communists were threatening to take over the Chinese nationalists in Formosa. It was a very serious time in our history. Believing that the time had come to draw the line—those are President Eisenhower's words—to draw the line and hold back the Communist aggression, President Eisenhower asked Congress to pass a resolution giving him the authority ''to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa against armed attack.''

Congress granted President Eisenhower this authority with an overwhelming vote, 410 to 3 in the House, and 85 to 3 in the Senate. Later President Eisenhower said that while he went to Congress for several reasons, his real reason was ''to serve notice on the Communists that they are not going to be able to get away with it.''

Because of that resolution, the Chinese Communists in 1955 did not act. War was avoided. There have been problems. There have been tensions ever since. But war at that crucial time was avoided.

By passing the Formosa resolution, Congress sent a clear, unequivocal signal to the Chinese Communists that the United States would defend Formosa, that Congress would support President Eisenhower, and that our country was, in fact, united.

It is instructive that during that debate, there was an attempt in the Senate, in the Congress, to change the wording and to be more specific and to mention President Eisenhower, in defending Formosa, had the specific authority to defend Quemoy and Matsu, two little islands close to mainland China, far away from Formosa, but controlled by Formosa at the time. President Eisenhower said, no, do not do that; do not be that specific in the resolution.

President Eisenhower was looking for the authorization to protect Formosa, but he also wanted the discretion to decide how to do it. And he also did not want to tell the Communist Chinese exactly what he would do.

With the flexibility and discretion to use force as he deemed necessary, President Eisenhower left the Communists guessing about the ways in which the United States would act, but they had no doubt that we would act.

That is why I believe we must pass the resolution before us. We need a tough resolution that gives the President the authority he needs to disarm Saddam Hussein. We need a tough resolution that also gives the President flexibility and discretion. We have that before us. We need a tough resolution that does not tie the President's hands.

Through the resolution before us, this Senate and this Congress is saying to Saddam Hussein that he is on notice. Saddam Hussein, we are saying, you are not going to be able to flagrantly disregard U.N. Security Council resolutions any more. You are not going to be able to get away with building weapons of mass destruction. You are not going to be able to threaten our lives and the lives of our children and the lives of our grandchildren and the peace and security of the world.

In the final analysis, we are left with the sober realization that when it comes to Saddam Hussein, there really are no good choices. When it comes to him, lives are being lost in his own

country now, and many more could be lost around the world in the future if we allow him to continue his weapons of mass destruction obsession. Left unrestrained, Saddam Hussein will only become more dangerous, more diabolical, and certainly more deadly.

So I believe when you weigh the risk of action versus the risk of inaction, we, as the leader of the free world, simply have a moral obligation to act. As I already said, we simply cannot, as a nation, escape the fact that when the world looks for leadership, it can look to only one place today. That place is the United States of America.

We have an obligation to lead the efforts to disarm Saddam Hussein. In the process, we may tragically end up at war with Iraq. But my prayer, my prayer is that by passing this resolution, we will not have to go to war against Iraq. My prayer is that congressional unity will signal to Saddam Hussein and to the international community that we do, in fact, mean business.

My hope is we can get a tough new U.N. Security Council resolution passed, giving weapons inspectors unfettered access to every mile, every square foot, every inch of Iraq. We increase the chances for peace by telling Saddam Hussein and his evil regime that our Nation is united and that we do, in fact, speak with one voice. We increase the chances for peace by giving the President the strongest possible hand, while at the same time giving him flexibility.

Finally, I must say I am convinced President George Bush will do absolutely everything he can to avoid war.

Mr. President, I do not know if war can be avoided, but I do know if we are serious about disarming Saddam Hussein of his weapons of mass destruction, our best chance of avoiding war is through the passage of a tough resolution. That is why I will vote in favor of this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, before I give my speech, I commend my friend, the Senator from Ohio, Senator DEWINE, for a very thoughtful presentation this evening. He and I have had many discussions about how difficult this decision has been for both of us. We have reached many of the same conclusions. But I just want to salute him for a very thoughtful and thorough analysis of the resolution and the challenges before us.

The decision to authorize the use of military force is the most significant vote that a Member of the Senate can ever cast. The Constitution clearly vests this responsibility in Congress, a duty that rests heavily on the shoulders of each and every Member.

As a Member of the Senate Armed Services Committee, I am keenly aware of the sacrifices and dangers faced by our young men and women in the military. They are ready to answer the call to combat, ready to fight the war against terrorism, ready to defend our freedoms around the globe.

In the wake of the attacks on our country on September 11, the Senate vote to authorize the war against terrorism was rapid, unanimous, and clear-cut. By contrast, whether to authorize the use of military force against Iraq is a far more difficult and complex question. It requires a thorough analysis of the nature and urgency of the threat and an evaluation of all possible responses.

As a member of the Armed Services Subcommittee on Emerging Threats, and the Governmental Affairs Subcommittee on International Security and Proliferation, I have received many briefings on the dangers posed by lawless regimes in Iraq, Iran, and North Korea during the past 5 years. And during the past 2 months, I have attended several highly classified, in-depth briefings on Iraq from the CIA, the National Security Agency, the Department of Defense, the State Department, and the White House. I have questioned the experts—I have questioned them closely—including former Defense Secretary James Schlesinger and former National Security Adviser Samuel Berger, as well as Secretary Rumsfeld, at public hearings before the Armed Services Committee.

I have read studies and assessments, both classified and public, conducted by the administration, the British Joint Intelligence Committee, the International Institute for Strategic Studies, and many others. I talked at length with Secretary Colin Powell about the appropriate strategy to respond to Iraq's development of weapons of mass destruction.

Let me first discuss my conclusions about the nature and the extent of the threat posed by the Iraqi regime and its continued defiance of the United Nations resolutions. In 1991, Iraq accepted a cease-fire agreement in the form of United Nations Security Council Resolution 678, to end the gulf war. The Iraqi regime was required to unconditionally accept the destruction, removal, or rendering harmless under international supervision of all of its chemical and biological agents.

In addition, the resolution prohibited Iraq from acquiring or developing nuclear weapons and required the destruction of all ballistic missiles with a range greater than 150 kilometers. From a series of Iraqi declarations to the U.N. subsequent to this resolution, we know that Iraq, by its own admission, had by 1991 produced thousands of tons of deadly chemical weapons, such as mustard gas, sarin, and VX, as well as very large quantities of biological agents, including anthrax and ricin. Most experts believe Iraq's declarations grossly understated the true sense of its chemical and biological programs. But even the admitted amounts were sufficient to kill hundreds of thousands of people.

For a time in the 1990s, the U.N. inspectors succeeded in destroying quantities of these weapons, as well as the associated production facilities, ballistic missiles, and much of the infrastructure for Iraq's nuclear weapons program. Subsequently, however, the Iraqi regime's harassment, obstruction, and deception made it impossible for the inspectors to continue their work, and they were withdrawn.

At the time they left in 1998, the inspectors were unable to account for very large discrepancies between the weapons that were declared and the amounts that were destroyed. For example, at least 1.5 tons of the deadly nerve agent VX were unaccounted for. Just under 10 milligrams of VX can cause a quick and painful death.

The CIA has concluded all key aspects of Iraq's offensive biological and chemical weapons program, including research and development, production and weaponization, are active and, in some cases, larger and more advanced than before the gulf war.

In addition to the weapons unaccounted for in the post-gulf war inspections, there is significant evidence that since 1998, Saddam has expanded his stockpile of chemical and biological weapons; rebuilt and expanded manufacturing sites, including mobile biological production facilities; developed more effective delivery systems, such as unmanned drones; and sought to procure materials for a nuclear bomb.

The reports demonstrating Iraq's violation of U.N. resolutions are numerous, compelling, and indisputable. They are based on the findings of U.N. weapons inspectors, credible reports from Iraqi defectors, sophisticated surveillance equipment, and other strong evidence.

Even more troubling is the evidence compiled by the American and British intelligence agencies that Iraq has converted its L–29 jet trainers to allow them to be used as unmanned aerial vehicles, capable of delivering chemical and biological agents over a large area.

While the evidence of Iraq's pursuit of biological and chemical weapons is overwhelming, it is more difficult to determine the state of Iraq's development of nuclear weapons. Numerous reports suggest, however, a renewed determination by Saddam Hussein to obtain the materials for a nuclear bomb.

A September report by the International Institute for Strategic Studies paints a chilling picture of Saddam's quest for nuclear weapons. Had the gulf war not intervened, Iraq ''could have accumulated a nuclear stockpile of a dozen or so weapons by the end of the decade,'' according to the report.

It further concludes that the scientific and technical expertise of Iraq's nuclear program remains intact, and the British Government has revealed that Iraqi nuclear personnel were ordered to resume work on nuclear projects in 1998.

According to British intelligence, Iraq has also attempted to obtain uranium from Africa. This is extraordinarily troubling. Since Iraq has no

active civil nuclear power program or nuclear powerplants, it simply has no peaceful reason to attempt to secure uranium.

In addition, the Iraqi Government has attempted to procure tens of thousands of high-strength aluminum tubes that could be used in centrifuges designed to enrich uranium to produce the fissile material necessary for a nuclear bomb.

How soon could Iraq acquire nuclear weapons? The International Institute for Strategic Studies estimates that Iraq is probably years away from producing nuclear weapons if it has to rely on indigenously produced material. It points out if Iraq were to acquire nuclear material from a foreign source, the timeframe could be reduced to a matter of months.

This is the scenario the institute calls the nuclear wild card. An independent assessment conducted by Professor Anthony Cordesman of the Center for Strategic and International Studies, confirms the growing threat posed by Iraq. The professor states that Saddam Hussein seeks weapons to offset American superiority and high-tech weaponry. In other words, while the United States has developed conventional weapons to be as surgical as possible and to limit unintended casualties, Iraq develops its weapons to be as blunt and as destructive as possible, to instill fear in its enemies and its neighbors.

In short, Saddam Hussein has continued to develop a stockpile of the deadliest chemical and biological agents known to mankind and has continued to seek nuclear weapons in defiance of his international obligations.

The more difficult question is whether the growing and serious threat posed by Saddam Hussein is sufficiently imminent to warrant the authorization of a military strike by the United States and its allies should diplomatic means of disarming Iraq fail.

The President correctly noted in his recent speech that the passage of this authorization does not mean that war is imminent and unavoidable. In fact, the resolution before us represents a considerable improvement over the administration's earlier draft which I would have opposed because of its insufficient emphasis on pursuing diplomatic means first and working through the United Nations Security Council.

The bipartisan resolution, by contrast, specifically requires a Presidential determination that further reliance on diplomatic or other peaceful means alone would not adequately protect our national security or lead to the enforcement of the relevant U.N. resolutions. But nevertheless, the difficult question remains of whether the threat is so urgent that a military strike may be required and should be authorized by this resolution.

The evidence of Saddam's massive buildup of the most dangerous weapons is compelling, but as Mr. Berger pointed out in his testimony before the Senate Armed Services Committee, the threat is not defined by capability alone. We have to probe Saddam Hussein's intentions, as well as his capability, to determine the threat. In that regard, if, as Shakespeare tells us, the past is prolog, the history of Saddam's regime gives us great cause for concern.

While none of us can predict for certain whether or when Saddam would strike, there are simply far too many warning signs in his past behavior and in his present undertakings. His cold-blooded willingness to use chemical weapons against his own people, as well as his enemies; his aggressive invasion of two nations; his blatant defiance of international sanctions; his continued efforts to procure the materials to build a nuclear bomb; and his determined progress to develop a more effective means of delivering chemical and biological weapons all strongly suggest an intention and an ability to use these weapons.

As the assessment of the British Government states, the evidence shows that Saddam Hussein does not regard these weapons of mass destruction as only weapons of last resort. He is ready to use them and determined to retain them. In fact, British intelligence reports that some of the weapons are deployable within 45 minutes of an order to use them.

The history of Saddam Hussein's rule over Iraq is a history of war and aggression against his enemies, his neighbors, and his own people. Throughout the decade of the 1980s, Saddam Hussein used chemical weapons to kill thousands of civilians, and Iraq has the means, through billions of dollars in oil revenues, to continue to develop, procure, or steal the materials necessary for its weapons.

The risks are simply too catastrophic for the world to allow Iraq to continue on its present course, but is a military response the only answer?

From the beginning of this debate, I have emphasized my belief that military force must be the last resort, not the first alternative. Today I still hold out the hope that military action will not prove necessary to disarm this dangerous regime. A strong United Nations resolution to compel Iraq to declare its weapons and to accept unfettered, rigorous inspections may well be successful in convincing Saddam that he must disarm.

I believe our policy should be focused on disarming Iraq rather than on regime change, much as I would like Saddam Hussein to be deposed.

In making what has been a very difficult decision, I was persuaded ultimately to support this resolution by an extensive discussion with Secretary Powell. He has convinced me the process for effective action by the United Nations to disarm Iraq depends on the credible threat of the use of force, and that is the reason ultimately that I will decide to cast my vote in favor of this resolution.

Secretary Powell told me his ability to secure a strong resolution from the U.N. Security Council will be strengthened enormously by a strong, bipartisan congressional vote for this authorization.

Similarly, as Secretary Schlesinger testified, the greater degree to which the President and the Congress are united in purpose with respect to Iraq, the greater is the likelihood the United Nations will take a firm and appropriate stand toward Iraq.

Only if Saddam understands we are prepared to use military force will a peaceful means of disarming him have any chance to succeed. All Americans share the goal of eliminating this threat without war, but we differ on how to achieve that goal.

In my view, there are times in dealing with a tyrant when the best, indeed perhaps the only, chance to avoid war is to express, in unmistakable terms, our willingness to wage it. And this is one of those times.

Some understandably ask: Why now? Has not our current policy contained Saddam?

It has, only if allowing him to acquire the capability to kill and destroy on a scale that far exceeds his past efforts means that we have contained him. No, the truth is we have not really contained Saddam. We have largely ignored him, a strategy that simply delays the inevitable while the stakes grow ever higher.

The reason we must deal with this threat now is both clear, convincing, and chilling. Given Saddam's insatiable desire to possess chemical, biological, and nuclear weapons, this danger will not disappear on its own, and the price we may have to pay today to eliminate this threat will prove modest compared to the price we will have to pay tomorrow.

As difficult as the decision to authorize military action is, one need only consider how much more difficult it will be when Saddam has a nuclear bomb.

Finally, let me emphasize my strong belief that the United States should act in concert with our allies, as we pursue a new Security Council resolution, or in the event we have to resort to military force. While the United States must always retain the right to defend itself, our prospects for dealing effectively with the Iraqi threat, our standing in the community of nations, and our ability to continue to wage an effective global effort against terrorism depend on our forging a multilateral coalition.

The President deserves great credit for putting together a coalition of some 90 nations to combat terrorism. That same kind of effort must be devoted to building a coalition to confront and disarm the Iraqi regime.

The PRESIDING OFFICER. The Senator's time has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. On the continuing saga of speeches, there have been a couple of changes. Senator CANTWELL will speak in place of Senator HARKIN for 10 minutes. Instead of 30 minutes, Senator SCHUMER will speak for 25 minutes, and Senator SPECTER will speak for 30 minutes rather than 45 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to make a very brief comment. I thought Senator COLLINS' and Senator DEWINE's statements were outstanding. They are to be congratulated. I think it added a great deal to this debate and discussion.

I do not object to the change in the lineup.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in support of the resolution before the Senate. There is no more serious vote we as Senators take than to authorize war. To do so, we must believe that there is great cause—a great threat to America. I cast my vote today with the great hope that this show of unity from the American Government and from the American people, along with the actions of the international community, will achieve our stated goal of disarming Iraq without war.

I will vote for this authorization because, after great consideration, I believe Saddam Hussein's acquisition of weapons of mass destruction is a great threat. I believe disarming Saddam is a great cause. And I believe that moving to disarm Saddam—in concert with the international community—is the President's great goal.

There is no doubt that the threat Saddam Hussein and his weapons pose to this country and to world peace is real. More than a decade has passed since we defeated Saddam, but he has not changed. He is the same repressive dictator, willing to overrun his neighbors, and to use weapons of mass destruction against his own people.

We know that Saddam's regime has produced and is continuing to produce massive quantities of biological and chemical agents. We know much less about his current nuclear capabilities. But there can be no doubt that he is doing everything in his power to acquire nuclear weapons.

While there is good reason to believe that Saddam Hussein is not interested in jeopardizing his hold on power, we cannot predict what Saddam will do with these capabilities should he have them. The best we can do is to rely on the past as a guide to what the future may hold. And, the future is now colored by the events of September 11 and the subsequent anthrax attacks of last year. These have given us a disturbing glimpse at a possible worst case scenario. Given Saddam Hussein's track record—his ejection of weapons inspectors and his murderous ways—I believe the security of our nation depends on disarming Iraq and containing this regime notorious for its deceptions and ruthlessness.

Let me be clear on that point. My vote today is a vote for disarmament, not a vote for regime change. While it is clear that Iraq is a rogue regime of the worst kind, going into overthrow it would be enormously destabilizing. There are many repressive governments around the world, some of which have access to weapons of mass destruction. There are many ruthless and aggressive nations around the world that have threatened their neighbors. Yet, we cannot be the world's policeman, offering to make the world safe by eliminating each and every tyrant. Should the President choose to use force against Iraq, it should be for the purpose of ensuring unfettered weapons inspections and full disarmament. If Saddam Hussein no longer rules as a result of our actions, then I say—find—but for us to take action with the primary purpose of overthrowing the Iraqi government would be wrong.

The President has vowed to seek the support of the international community against Iraq, and my vote today is cast accepting and supporting that position fully. I Believe we should not commit U.S. troops abroad without the support of the international community. The costs are too great for us to take unilateral action unless we have no other choice. International involvement will strengthen our hand against Saddam Hussein, increasing the likelihood that we will be able to resume inspections and disarm Iraq.

In order for the President to use force, the resolution requires the President to make a formal determination that relying on diplomatic and peaceful means will not adequately protect our national security, or lead to the enforcement of U.N. Security Council resolutions. I am confident that this administration is doing everything in its power to engage the international community, and to work with our allies to contain Iraq. I am comforted to see the Administration working with the United Nations on a stronger resolution. The President has rightly challenged the U.N. to put some teeth in the Security Council resolutions which have been flouted by Iraq, and he has given the international community notice that there must be accountability for the U.N. resolutions to have any meaning.

Mr. President, my vote today is a vote to support the President in his efforts to disarm Saddam Hussein. My vote is not an endorsement of a policy of preemptive war, whether it is initiated by the United States or any other country. My vote today is to authorize the President to gather a world force against the threat of a dangerous regime armed with chemical, biological, and possibly nuclear weapons, and to disarm that regime. And finally, my vote today is to authorize the President to go to war, in the hope that this strong statement of our commitment to disarming Iraq will enable us to do so without war.

Mr. REID. I ask unanimous consent that the time be charged to Senator CANTWELL.

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

Mr. REID. Following Senator SCHUMER is Senator SPECTER. Senator SCHUMER is here and I ask unanimous consent that he be next in order.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, I am honored to be part of this historic debate. Before I get into the substance of my remarks, I thank all of my colleagues on both sides of the aisle for their excellent debate. I have listened to a great deal of it. This is how the Senate ought to work and ought to be. This is a fine day for the Senate.

Today we are faced with the most solemn decision a lawmaker can make: whether or not to authorize the use of military force. I approach this decision with caution, deliberation, and seriousness.

As is our tradition, there has been a great debate on this issue over the last 2 months. We have discussed multiple strategies for dealing with Saddam Hussein, and advanced many arguments for and against the use of military force. Some of these remain under consideration, others have been wisely tabled.

For example, the President's original plan of not consulting Congress or the United Nations has thankfully been abandoned.

In considering our next step, I have spent considerable time listening to experts, attending briefings, talking with constituents, and even praying to arrive at a sound conclusion.

I believe that there are two points—one on each side, standing in equipoise—that focus my attention, and that embody the tension felt by all of us.

On the one hand, going to war is the most serious, even awesome decision—awesome in the biblical sense of angels trembling before God—that a lawmaker is called on to make.

Invasion means that thousands of our sons and daughters, the flowers of their generation, will be put in immediate harm's way should we invade.

I have an 18-year-old daughter, who along with her sister is the joy of my life. When I think of thousands of young people her age who have volunteered to serve, and of the previous generations of Americans who have willingly laid down their lives in past wars, and to whom we are eternally grateful, I am filled with awe and dread.

Poised against the solemnity of war is the fact that a major, if not the primary function of government is to secure the safety of its people—to protect the citizenry from threats, both foreign and domestic.

Discharging this responsibility is the very essence of a state and, if a real danger exists, the government has a

solemn obligation to protect its citizenry.

These two looming issues push and pull against one another and yield the ultimate question we debate today' Does Saddam Hussein threaten the citizenry of America to the point that we must now consider the unthinkable option of authorizing war in order to protect ourselves?

Saddam Hussein is an evil man, a dictator who oppresses his people and flouts the mandate of the international community.

While this behavior is reprehensible, it is Hussein's vigorous pursuit of biological, chemical and nuclear weapons, and his present and potential future support for terrorist acts and organizations, that make him a terrible danger to the people to the United States.

If our other efforts to thwart the threat posed by Hussein do not work, is war justified? If justified, how long can we leave Hussein alone before we need to act?

The struggle for these answers come in a brand new context. Our's is a brave new post 9/11 world, a time and place where things are different and more dangerous than before, much as we wish they weren't.

Those who would use terror—or those who would aid and abet that terror—pose a new danger to every one of us living in the United States, whether in midtown Manhattan or the wheat fields of Kansas.

I have seen firsthand the devastation that comes from being unprepared and unprotected. On September 12, I peered into the dark and smoky crater at the World Trade Center with horror, an image that still burns in my memory. I have met with the families of victims and heard about their losses, and shed tears over the evil and mendacity of our enemies.

I know it is my solemn obligation to do everything I can to ensure that my city, State, and country never again endure such an atrocity. Yet, at the same time, I know that war must be our last resort.

When I consider that Hussein could either use or give to terrorists weapons of mass destruction—biological, chemical or nuclear—and that he might just be made enough to do it—I find, after careful research, the answer to my question: we cannot afford to leave him alone over the next 5 or even 3 years.

I say this with caution and worry. But I have searched my mind and my soul and cannot escape this conclusion: Saddam Hussein left unfettered will at some point create such a danger to our lives that we cannot afford to leave him be.

In the post 9/11 world, inaction is not an option: at some point, Hussein must be de-fanged.

The question is how and when?

Do we mobilize our military for battle? Do we take pains to ensure that other possible options are exhausted first? I say yes to both—proceed on parallel tracks: prepared for the worst and work toward, and pray for, the best; empower the President to act to protect our national security but hope it will not be necessary.

Let me first address the question of how by making three points.

One, we must certainly try less costly, less ultimate options before we choose the last resort, war.

Our first option must be working with our allies at the United Nations to secure a strict resolution that will compel Saddam Hussein to disarm and submit to unlimited and unrestricted inspections.

The administration believes a unified Congress that authorizes the President to wage war will importune the United Nations to take the kind of vigorous and unified action that has eluded that body for the last 11 years: real inspections, real sanctions, real threats of military force. I hope and pray they are right.

Let me repeat: inspections and sanctions backed by the threat of military force. These must come first. These are the reasons to favor this resolution.

And if after exhausting these options, Saddam Hussein remains a threat, I believe other nations will support and follow us as we pursue the last option, war.

Working cooperatively with our allies in the United Nations must be a paramount priority for us all. We need their help not simply to force effective disarmament in Iraq; they are also key players in an historic fight—the war on terror.

They provide us with intelligence to protect ourselves from future attack; they permit us to pursue our enemies in foreign lands so that our foes know that they have no haven from justice; and they cooperate to help us choke off terrorists' financial support.

Without their help and co-operation, the war on terror would be much more difficult to wage. Therefore, their support for our efforts on Iraq is essential for our safety as a nation.

This new resolution puts far more emphasis on international cooperation first and is a substantial improvement over what the President originally proposed.

Unfortunately, time and again, Hussein has shown that the only language he understands is the language of power. By empowering the President to use force, we will send a message to both Hussein and the nations of the world that the threat of force is real and that we are serious about disarming him.

Without this possibility, Hussein will never allow inspections, and the probability of more terror and horror will increase. A determined U.N., backed by the possibility of force, may finally convince Saddam Hussein to submit to the real inspections he has evaded for the last 11 years.

Second, should we go to war, the President must see to it that we don't lose vigilance in other aspects of the war on terror, apart form Iraq, both abroad and at home.

Al-Qaida and other groups will continue to target our citizens; we must not let down our guard. Countries like Syria and Iran will continue to aid and abet terrorists; we must keep a watchful eye.

The President and the Secretary of Defense have assured us that, if war become necessary, our military can launch a successful invasion of Iraq without compromising these efforts.

In addition, if there is a war in Iraq, we must not let it diminish our efforts to make our homeland more secure—our airports, sea ports, rail lines, nuclear facilities, and our communications infrastructure all remain unacceptably vulnerable.

I have been quite critical of the administration on this point and again urge them to refocus their efforts. We are about to spend billions of dollars to reduce threats abroad; we should spend a similar amount to safeguard ourselves at home.

Third, the President must begin to pay attention to our economy. Up to this point, he has failed to do so. The American people are particularly nervous about our economic future and the prospect of war only deepens these fears. The President and Congress must address this issue immediately.

People must have secure, family-supporting jobs, access to quality health care, and the ability to pay for necessities like college tuition and prescription drugs. Our epoque of prosperity has quickly given way to an era of uncertainty.

I believe we can reverse that trend. Our Nation is big enough and strong enough to secure our safety abroad and increase our prosperity at home. I urge the President to pay equal attention to both causes, which he has not done up to now.

As I have discussed, I believe at some point we will have to confront Saddam Hussein. We should coordinate with our allies in the United Nations; maintain focus on terrorist threats at home and abroad; and make a concerted effort to revive our economy.

That is how our Government can secure the safety of its people.

The second question is when to act. Evidence suggests that we probably have some time before the growing threat posed by Saddam Hussein would require military action. If I were President, I would not go to war now. My next step would be, as ours must be, to explore fully the compelling force of a determined United Nations.

Given the President's recent statements of support for action through the U.N.; if he were to invade Iraq now after passage of the resolution, he would have completely misled Congress and the American people.

As he said in Cincinnati on Monday.

Approving this resolution does not mean that military action is imminent or unavoidable. The resolution will tell the United Nations, and all nations, that America speaks with one voice and it is determined to make demands of the civilized world mean something.

I will, therefore, take the President at his word and do my very best to hold him to it.

I realize the resolution before us would allow the President to act sooner than that. If I had drafted the resolution, it would surely have been different. However, if each of us insisted on our own resolution, we would have 535 resolutions, each with one vote, no concensus—only paralysis.

In our post 9/11 world, there are no good choices, only less bad ones. As we move toward final passage, the choice before us is this resolution—imperfect as it is—or none at all.

Saddam Hussein, his pursuit of weapons of mass destruction and the will he has shown to use them, makes the non-at-all option unacceptable.

So I will vote for this resolution. More than anything else we can do, this resolution will show Hussein and nay naysayers in the United Nations that we are serious about this war on terrorism. We understand the challenges of this brave new world and we are prepared to meet them.

We do not want to send our sons and daughters to war, yet we can never again find ourselves unprepared: the risks are far too great.

Certainly action—any type of action—poses real danger and must be taken with great caution and concern. But sometimes doing nothing is riskier than acting. This is one of those moments.

Therefore, I will cautiously cast my vote for the Lieberman resolution. I pray that we shall not have to use the awesome authority it grants.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it cannot be repeated too often in the Chamber of the Senate, the gravity of the action which we are about to take. The House of Representatives has already considered and passed a similar resolution. For some time now it has been apparent the die has been cast.

Of all of the constitutional responsibilities entrusted to Congress, the authority and responsibility to declare war is the most important. This will be the second most important vote which I will have cast in the 22 years I have had the privilege of serving in the Senate. The other vote was the authorization for the use of force against Iraq in 1991. Now, the same situation confronts us because, albeit by 20/20 hindsight, we did not finish the job in 1991.

The question is: What course of action would be most likely to avoid violence—that is, an attack on the United States or other peaceful countries, or an attack on Iraq? The most desirable objective would be to achieve the disarmament of Iraq in accordance with the commitments which Iraq made at the conclusion of the Gulf War: to disarm; not to produce chemical or biological weapons, which Iraq has violated; and not to produce nuclear weapons. Iraq has been doing its utmost to create nuclear weapons.

The coalition, which was formed in 1991 by then-President Bush, is the preferable way to go at the present time. We know Saddam Hussein is cruel, repressive, and evil. There are hardly sufficient adjectives in the lexicon to adequately describe his vicious character. That has long since been recognized and was the point of a resolution which this Senator introduced on March 3, 1998, to constitute a war crimes tribunal and to try Saddam Hussein as a war criminal because he had violated the basic laws against humanity. He had engaged in reprehensible conduct. That resolution passed the Senate by a vote of 93 to 0 on March 13, 1998.

Rather than take time to delineate all of his acts of barbarism and cruelty, I ask unanimous consent that a copy of this resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my presentation.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, all the rules have changed since September 11 of last year. We now know that in the United States, we are no longer invulnerable to attack by outside powers. The breadth of the Atlantic and the Pacific no longer protect us. We learned a very bitter lesson on September 11 that has to be taken into account in our current conduct.

By 20/20 hindsight, it is apparent that we should have acted against Osama bin Laden and al-Qaida long before September 11. Osama bin Laden was under indictment for killing Americans in Mogadishu in 1993. Osama bin Laden was later indicted for the embassy bombings in Africa in 1998. We knew Osama bin Laden was implicated in the terrorism against the destroyer USS *Cole*. We knew Osama bin Laden had carried on a worldwide jihad aimed at the United States, and we have not yet determined the full extent of our knowledge of bin Laden. However, it is my personal view, having served as chairman of the Intelligence Committee of the 104th Congress, that had we put all of the so-called dots together on one screen, we would have had a virtual blueprint as to what al-Qaida and Osama bin Laden would do.

Now we have the risk as to what to do about Saddam Hussein and what to do about Iraq. There is considerable unrest in the United States today about whatever course of action we take.

In a series of town meetings for the last 3 months, I have had many constituents say to me: Why does the United States want to start a war? The United States has never started a war in the past. The United States has only finished wars. Certainly were it not for the experience on September 11 last year, I think we would not have considered preemptive action. However, the authorities and international law do contemplate action where there is a threat—a significant threat.

Hugo Grotius, considered the father of international law, said in his 1925 book ''The Law of War and Peace'' that a nation may use self-defense in anticipation of attack when there is ''present danger.'' He said, ''It is lawful to kill him who is preparing to kill.''

There is no doubt that there is present danger. Is Saddam Hussein preparing to attack the United States or other peace-loving nations? There is a real question as to why he would amass chemical weapons in great quantity, biological weapons in great quantity, delivery systems capable of reaching the United States, and search for nuclear weapons which we are not sure of, but he may be very close.

Another foremost authority on international law, Elihu Root, said in 1914 that international law did not require a nation to wait to use force in self-defense until it is too late to protect itself.

This is the essential legal backdrop where we must consider what should be done. There are a number of alternatives we can take.

First, we can do nothing—no resolution, no action—and simply let Saddam Hussein continue to flout his commitments made to the United Nations. However, my view is, after a lot of careful deliberation, analysis, and study, that the risk of inaction is worse than the risk of action. There are major risks in action.

We have to consider what losses there will be on United States personnel, British personnel, or whoever may join us. We have to consider the risk to Israel, which is in the neighborhood of Iraq. Iraq is still at war with Israel. During the Persian Gulf War in 1991, some 39 Scud missiles were rained down on Israel. While they have a missile defense system, it is not adequate to protect the whole nation. Notwithstanding that, Prime Minister Sharon has made public announcements that he endorses United States military action against Iraq.

The risks of not doing anything may subject the United States to a repeat of September 11, which could be even more cataclysmic. We continue to worry about al-Qaida, which has shown a ruthless disregard for human life and the most barbaric kind of conduct. The risks with Saddam Hussein are comparable.

Then how do we approach the matter to have the best likelihood of producing the kind of coalition put together by President Bush in 1991? President Bush, in 1991, was able to motivate the Arab world to move against Saddam Hussein, as well as the traditional allies.

I gave very careful consideration to the amendment proposed by the Senator from Michigan, Mr. LEVIN, where he proposed that we ought to grant the President authority to use force, but only after a United Nations resolution authorizing the use of force.

The advantage of the Levin amendment was that we would have multilateral action, very much like the Gulf War in 1991. The disadvantage would be that we would be subject to the veto of Russia, China, or even France, and that ultimately the United States would be ceding a considerable quantum of national sovereignty if we gave up our right to decide what course of conduct we should take, which is in our national interest.

I carefully considered an amendment which had been prepared and circulated by Senator LUGAR and Senator BIDEN. That resolution emphasized that the President should exhaust all possible means for an international coalition. However, if the President found it impossible to organize an international coalition and believed that the interests of the United States were threatened, in self-defense the President could act on his own or in conjunction with Great Britain. However, the President would not have to await U.N. action.

It would seem to me the proposal of Senator BIDEN and Senator LUGAR was the best idea, and I had agreed to cosponsor that resolution or an amendment offered which contained the essence of that resolution.

Madam President, I ask unanimous consent that the text of the Biden-Lugar resolution be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. When Senator BIDEN and Senator LUGAR decided not to offer that amendment, I decided to offer it myself. I was surprised that the Biden-Lugar amendment was not offered before 1 o'clock yesterday, which was the deadline. I worked with the Parliamentarian to structure a procedure to offer this as a second-degree amendment, and for reasons which were detailed in an earlier speech on the Senate floor, a unanimous consent agreement, in my absence, was entered into, and the pending first-degree amendments, to which this would have been amended, were withdrawn.

I do not want to get too much into the arcane details of our Senate procedure, but I was foreclosed from offering that amendment, and I think it is very unfortunate the Senate did not have an opportunity to consider the Biden-Lugar amendment. I am not sanguine to say it would have been enacted, but, on a matter of this importance, I felt very strongly that procedural rules should not bar the Senate from consideration, especially when those procedural rules had been complied with until, as I say, the unanimous consent agreement, in my absence, in effect, pulled the rug out from under me.

I am concerned that the scope of the present resolution goes a little far in authorizing the President to use ''all means that he determines to be appropriate,'' which is a subjective test, contrasted with the 1991 authorization which said the President was authorized to use force in order to implement Security Council resolutions. It is too late in the day to press that distinction, but I think it is important to note.

Similarly, I think it is important to note the potential historical impact of the pending resolution which, in effect, delegates to the President the authority to declare war.

Make no mistake about it, this resolution for the use of force is the equivalent of a declaration of war, and Congress has the authority to declare war. However, we are saying in effect that the President may decide at some future time whether war should be declared.

In an earlier presentation on the Senate floor, I detailed, to substantial extent, the considerations and concerns I had about the constitutionality of that kind of a delegation of power.

So, in sum, we are faced with a tough decision for the first time in the history of this country to use preemptive action. I commend President Bush for coming to Congress. Originally he said he did not need to do so and would not do so. Later, he modified that, saying that while he might not have to, he was coming to Congress. He initially talked about unilateral action, and since has worked very hard in the United Nations.

It may be that the practical effect of what the President is doing now, through Secretary of State Colin Powell, amounts to what was sought in the Biden-Lugar resolution, and I do believe the likelihood of getting UN action is better if we proceed to give the President the authority to act without UN support because if we said, as Senator LEVIN proposed, that his authority to use force would be conditioned on a UN resolution, it would be, in effect, an open invitation to the UN not to act, knowing the President and the United States, were limited from acting if the UN did not, and subjecting our national interests to China, Russia, or France's veto.

So I do believe, of all the alternatives, giving the President this power without conditioning it on previous UN resolutions is the best way to get the United Nations to act to enforce the obligations which Iraq has to the United Nations, running since 1991, which have been in desperate breach.

So I do intend to vote for the pending resolution. I supported the amendment by Senator BYRD to the effect that nothing in this resolution should be deemed to impede or affect the constitutional authority of the Congress to declare war. Ordinarily you would not think a statute or a resolution would jeopardize constitutional authority, which is paramount, but I am concerned about the issue of erosion, and that is why I supported Senator BYRD in the amendment that nothing in this resolution should undercut the authority of Congress to declare war.

On this solemn occasion, when it appears now highly likely—or perhaps more accurately, virtually certain—that this resolution will be enacted by both the House of Representatives and the Senate, and that we are on a very difficult course, it is hoped that the tremendous power of the United States, in conjunction with other countries, will be sufficient to bring Saddam Hussein to his senses, if he has any, that he ought to submit to inspections. If he does not submit to inspections, then it is confirmation that he, in fact, has something to hide and there is something really at risk.

So among the very many complex considerations, it is my considered judgment the adoption of this resolution is the best course for our country.

I yield the floor.

EXHIBIT 1

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that ''crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwait civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's

treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Revolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraq invasion of Kuwait'';

Whereas, in Revolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991:

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to 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;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Normal Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment;

Whereas a failure to try and punish leaders and other persons for crimes, against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

Resolved, by the Senate (the House of Representatives concurring),

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, week the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

S.J. RES

Authorizing the use of the United States Armed Forces pursuant to a new resolution of the United Nations Security Council seeking to enforce the destruction and dismantlement of Iraq's weapons of mass destruction program and prohibited ballistic missiles program or pursuant to the United States right of individual or collective self-defense if the Security Council fails to act.

Whereas under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

Whereas on numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

Whereas on numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Whereas Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Whereas since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Whereas Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States: Now, therefore be it

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SECTION 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution that after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SECTION 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparaing to take, to protect

key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.— The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SECTION 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that I be allowed to speak for 30 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, just so the record is clear, he is filling the spot Senator CARPER had.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from Nevada very much.

Madam President, we are here today to debate one of the most difficult decisions that I, at least, have ever had to make in my 18 years in the Senate. There is no doubt in my mind Saddam Hussein is a despicable dictator, a war criminal, a regional menace, and a real and growing threat to the United States. The difficulty of this decision is that while Saddam Hussein represents a threat, each of the options for dealing with him poses a threat—to America's service members, to our citizens, and to our role in the world at large.

It is clear none of the options that confront us are easy or risk free. For all of us, the upcoming vote on this critical issue will reflect our best judgment on which path will minimize the risk to our fellow Americans because we all know the risk cannot be eliminated. And that judgment will, in turn, depend on a complex interaction of many factors, some of which we do not know and perhaps cannot know.

It is clear military operations against Saddam Hussein, of the sort that are being discussed, pose serious risks, and we should all admit to that. Any military campaign runs very serious risks to our service members. On paper, we surely have an overwhelming advantage against Saddam Hussein—in the skill, the technology, and, of course, dedication of our Armed Forces.

We defeated Saddam quickly and conclusively in 1991. In the decade since, our force effectiveness has improved dramatically, while many of Saddam's capabilities have deteriorated. But a new battle against Saddam Hussein, if it comes to that, will be very different and much more difficult.

A U.S. victory might be quick, and it might be painless. One hopes that will be the case, but it may not be so. The American people need to know a war against Saddam will have high costs, including loss of American lives. Our confident assertions that Saddam Hussein will quickly be deposed by his own people have in the past been too optimistic.

Presumably, Saddam Hussein will be more determined to use all the weapons and tactics in his arsenal, if he believes that our ultimate goal is to remove him from power. The administration assures us our troops have equipment and uniforms that will protect them from that risk, should that risk arise. We can only hope to God they are right.

We also acknowledge that any military operations against Saddam Hussein pose potential risks to our own homeland. Saddam's government has contact with many international terrorist organizations that likely have cells here in the United States.

Finally, we also need to recognize that should we go to war with Iraq, it could have a serious impact on America's role in the world and the way the rest of the world responds, therefore, to America's leadership.

We are told that if Saddam Hussein is overthrown, American soldiers would be welcomed into Baghdad with liberation parades. That may be true. But it is true the people who have suffered most at Saddam's hands are, of course, his own citizens.

For many people around the world, an American-led victory over Saddam Hussein would not be cause for celebration. No matter how strong our case, there will inevitably be some who will see a U.S.-led action against Iraq as a cause for concern. At its most extreme, that concern feeds the terrorist paranoia that drives their mission to hurt America. We can affect how deep that sentiment runs by how we conduct ourselves—whether we work with allies, whether we show ourselves to be committed to the reconstruction of Iraq and to the reconciliation with the Arab world. But we ignore all of that at our peril.

Clearly, there are many risks associated with the resolution we are considering today, but it is equally clear that doing nothing and preserving the status quo also poses serious risks. Those risks are less visible, and their frame of time is less certain. But after a great deal of consultation and soul searching, I have come to the conclusion that the risks to our citizens and to our Nation of doing nothing are too great to bear.

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. He could have it earlier if he is able to obtain fissile materials on the outside market, which is possible—difficult but possible. We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction.

When Saddam Hussein obtains nuclear capabilities, the constraints that he feels will diminish dramatically, and the risk to America's homeland, as well as to America's allies, will increase even more dramatically. Our existing policies to contain or counter Saddam will become, therefore, irrelevant.

Americans will return to a situation like we faced in the cold war, waking each morning knowing that we are at risk from nuclear blackmail by a dictatorship that has declared itself to be our enemy, only back then our Communist foes—in those so-called good old days, which, of course, they were not, but in making the comparison between now and then, our Communist foes were a rational and predictable bureaucracy. This time our nuclear foe would be an unpredictable and often irrational individual, a dictator who has demonstrated that he is prepared to violate international law and initiate unprovoked attacks when he believes it serves any of his whims or purposes to so do.

The global community in the form of the United Nations has declared repeatedly, through multiple resolutions, that the frightening prospect of a nuclear-armed Saddam cannot come to pass, but the U.N. has been unable to enforce these resolutions. We must eliminate that threat now before it is too late. But that isn't just a future threat. Saddam's existing biological and chemical weapons capabilities pose real threats to America today, tomorrow.

Saddam has used chemical weapons before, both against Iraq's enemies and against his own people. He is working to develop delivery systems like missiles and unmanned aerial vehicles that could bring these deadly weapons against U.S. forces and U.S. facilities in the Middle East. He could make these weapons available to many terrorist groups, third parties, which have contact with his government. Those groups, in turn, could bring those weapons into the United States and unleash a devastating attack against our citizens. I fear that greatly.

We cannot know for certain that Saddam will use the weapons of mass destruction that he currently possesses or that he will use them against us. But as we do know, Saddam has the capability to do that. We know that very

well. Rebuilding that capability has been a higher priority for Saddam than the welfare of his own people, and he has ill will toward Americans.

I am forced to conclude on all the evidence that Saddam poses a significant risk. Some argue it would be totally irrational for Saddam Hussein to initiate an attack against the mainland United States and believe he would not do so. But if Saddam thought he could attack America through terrorist proxies and cover the trail back to Baghdad, he might not think it is so irrational. If he thought, as he got older and looked around an impoverished and isolated Iraq, his principal legacy to the Arab world to be a brutal attack on the United States, he might not think it is so irrational. If he thought the U.S. would be too paralyzed with fear to respond, he might not think it was too irrational.

Saddam has misjudged what he can get away with and how the United States and the world will respond many times before. At the end of the day, we cannot let the security of the American citizens rest in the hands of somebody whose track record gives us every reason to fear that he is prepared to use the weapons he has used against his enemies before.

As the attacks of September 11 demonstrated, the immense destructiveness of modern technology means we can no longer afford to wait around for a smoking gun. The fact that an attack on our homeland has not occurred since September 11 cannot give us any false sense of security that one will not occur in the future or on any day. We no longer have that luxury.

September 11 changed America. It made us realize we must deal differently with the very real threat, the overwhelming threat and reality of terrorism, whether it comes from shadowy groups operating in the mountains of Afghanistan or in 70 other countries around the world or in our own country.

There has been some debate over how ''imminent'' a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated.

It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can.

The President has rightly called Saddam Hussein's efforts to develop weapons of mass destruction a grave and gathering threat to Americans. The global community has tried but has failed to address that threat over the past decade. I have come to the inescapable conclusion that the threat posed to America by Saddam's weapons of mass destruction is so serious that despite the risks—and we should not minimize the risks—we must authorize the President to take the necessary steps to deal with that threat. So I will vote for the Lieberman-McCain resolution.

This is a difficult vote, but I could not sleep knowing that, faced with this grave danger to the people of my State and to all Americans, I have voted for nothing more than continuing the policies that have failed to address this problem over the years.

Two months ago, or even a month ago, I would have been reluctant to support this resolution. At the time, it appeared that the administration's principal goal was a unilateral invasion of Iraq, clear and simple, without fully exploring every option to resolve this peacefully, without trying to enlist the support of other countries, without any limitation on the use of United States force in the Middle East region.

The original use of force resolution that the White House sent to the Congress was far too broad in its scope and ignored the possibility that diplomatic efforts might just be able to resolve this crisis without bloodshed. Moreover, it appeared that the administration planned to cut back its efforts in the war on terrorism and shift all of its attention and resources to Iraq, and that would have been a tragic mistake.

I believe the war against global terrorist networks remains the greatest current threat to the security of America over the long term and to our forces overseas. We have seen that in Kuwait in just the last week. America cannot be diverted or distracted from our war on terrorism. In the past month or so, in my judgment, we have begun to see an encouraging shift in the administration's approach. The President stated earlier this week that war is neither imminent nor unavoidable. The administration has assured us that whatever action we take toward Iraq, it will not be permitted to divert resources or attention from the war on terrorism internationally.

Secretary Powell has been working with the U.N. Security Council to put together a new resolution to make clear that Iraq must disarm, or face the consequences. We have already begun to see some encouraging movement on the issue of Iraqi disarmament. Other Security Council members—I mentioned France and Russia, as well as other Arab States in the Middle East—have begun to talk seriously about forcing Saddam to comply with the U.N. resolutions. Saddam Hussein has begun to make offers on inspections and disarmament, offers that, while inadequate so far, indicate that he has at least begun to move off his hardline position against inspections.

Obviously, much important and very hard work remains to be done. That will take tough negotiating with the other members of the U.N. and a firm line with Iraq. We need to be realistic about how best to move forward.

Any headway we are making toward getting Saddam to disarm has not occurred in a vacuum. U.N. members did not just suddenly decide to debate a new resolution forcing Iraq to disarm. Saddam Hussein did not just suddenly decide to reinvite U.N. inspectors and to remove the roadblocks that had hindered their efforts in the past. Progress is occurring because the President told the United Nations General Assembly that if the U.N. is not prepared to enforce its resolution on Iraqi disarmament, the United States will be forced to act.

At this point, America's best opportunity to move the United Nations and Iraq to a peaceful resolution of this crisis is by making clear that the United States is prepared to act on our own, if necessary, as one nation, indivisible. Sometimes, the rest of the world looks to America not just for the diversity of our debate, or the vitality of our ideals, but for the firm resolve that the world's leader must demonstrate if intractable global problems are to be solved—and dangerous ones at that. So that is the context in which I am approaching this vote.

This resolution does authorize the use of force, if necessary. Saddam Hussein represents a grave threat to the United States, and I have concluded we must use force to deal with him if all other means fail. That is just the core issue. It is the only core issue. And whether we vote on it now, or in January, or in 6 months, or in 1 year, that is the issue we will all have to confront.

War—if it comes to that—will cost money. I and the Presiding Officer dearly wish we could use that money for other domestic purposes—to address the very real needs that West Virginia, Michigan, and other States face in this tough economy. But, ultimately, defending America's citizens from danger, their safety, and their security is a responsibility whose costs we must bear because this is not just a resolution authorizing war; in my judgment, it is a resolution that could provide a path to peace. I hope that by voting on this resolution now, while the negotiations at the U.N. are continuing, this resolution will show to the world that the American people are united in our resolve to deal with the Iraqi threat, and it will strengthen the hand of the administration in making a final effort to try to get the U.N. to deal with the issue. Given the difficulty of trying to build a coalition in the United Nations, I could not, in good conscience, tie the President's hands.

The administration is in negotiations on which the safety and security of all Americans depend. I believe we must give the President the authority he will need, if there is any hope to bring those negotiations to a successful conclusion. So I will vote for the Lieberman-McCain resolution. Preventing a war with Saddam Hussein—whether now or later—must be a top priority. I believe this resolution will strengthen the President's hand to resolve that crisis.

By my vote, I say to the U.N. and our allies that America is united in our resolve to deal with Saddam Hussein and that the U.N. must act to eliminate the weapons of mass destruction.

By my vote, I say to Saddam Hussein: Disarm or the United States will be forced to act. We have that resolve.

September 11 changed our world forever. We may not like it, but it is the world in which we live. When there is a grave threat to Americans' lives, we have a responsibility to take action to prevent it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, we have had a number of unanimous consent requests granted that listed the order of speakers. In effect, now, we have a new one that will make more sense. We have cleared this with both cloakrooms:

Senator SESSIONS will be recognized for 30 minutes; Senator CARPER will be recognized for 20 minutes; Senator ENSIGN will be recognized for 20 minutes; Senator CANTWELL will be recognized for 30 minutes; Senator BOB SMITH will be recognized for 15 minutes; Senator BOB GRAHAM will be recognized for 30 minutes; Senator CONRAD will be recognized for 30 minutes.

Following these speakers, I ask unanimous consent that the Senate vote on final passage of H.J. Res. 114, as under the previous order. After that, if anybody else wishes to speak—and we have a number of people who have indicated they would like to—they can do that. It will be probably 12:30 or 1 o'clock if everybody uses their time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, people have been granted this time. If they could read a little bit faster or eliminate a paragraph or two, some people would appreciate that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, very briefly, I thank the Senator from Nevada. As I understand it, I ask the Senator from Nevada, we have Senator GORDON SMITH, Senator SHELBY, Senator FITZGERALD, Senator SANTORUM, Senator SARBANES, Senator DAYTON, Senator MURKOWSKI, and Senator MIKULSKI who are still scheduled to speak after that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair, and I thank the leadership for the work they have put into this bill. I thank Senator MCCAIN. It is great to see Senator JOHN WARNER here. He helped write the 1991 gulf war resolution and led its successful vote in this body, which served the body exceedingly well. That was a courageous act that he led at that time.

Mr. WARNER. Madam President, I thank my colleague for his kind remarks.

Mr. SESSIONS. Mr. President, any contemplation of the use of military force is a very serious matter and calls for the Congress, the peoples' representatives, to be engaged and to discuss and debate the issue. I do not believe the Lord is pleased when his children fight—and according to my faith, all people are creatures of one Lord and precious in his sight.

In my view the resort to war can never be considered something to glory in but must be viewed as an act that is taken as a result of human failure, and where after serious consideration, it is concluded that alternatives are worse.

When the status quo presents more dangers than the war the most just, the most logical, the most moral thing is to fight. I wish it were not so but my experience and my best judgement tells me this is the way we live in this transitory world. I truly respect the pacifist—it is a position with a long and honored tradition in my faith—but whether it is by judgement or lack of faith, I do not go there.

To have a just war one must reasonably believe the ultimate goal of the violence will be to produce a good result—a better condition than existed before. And while as leaders of the people of the United States we must focus primarily on the just national security interests of our country, we, as enlightened, moral and decent people, ought to ask ourselves, whether our actions will ultimately benefit the world and even our adversary. Will the future for all be better or not?

Further, we should consider our national heritage of promoting peace, freedom and prosperity. War obviously destroys peace, but if the result can be to create a safer and more peaceful world, war can be an instrument of peace.

Afghanistan has had two decades of war. Our strong military action to totally defeat the Taliban government has given that brutalized country its best chance for peace, freedom and prosperity in generations. We cannot guarantee it, but great optimism exists for a positive future that could never have been possible under the oppressive, hateful, bigoted Taliban.

The practitioners of the art of ''realpolitic'' may sneer at the concept of free countries in the Arab world, but I am proud of the results of our military action in Afghanistan, not only because it represented just retribution for their support of attacks on the United States but also because we have left that oppressed country better than we found it. We liberated the people of Afghanistan from the most brutal circumstances.

Can anyone forget the scenes of men beating women on the streets for the most insignificant or imagined acts? No, I am proud of our wise and brilliant use of force.

I also remember such actions played a positive role in our nation's founding. Indeed, one can go down to Yorktown, as I did recently, and visit the site of the final American victory over the British. As one considers that climactic victory, after years of war and many defeats inflicted by the skilled British military, one learns that our victory would not have been possible but for the intervention of the large French fleet at Yorktown, and that fleet's victory over the British in a major battle.

With no ability to retreat or resupply, the cornered General Cornwallis had no choice but to surrender. This French action aided our liberation immensely and have served as a bond of loyalty between our nations even to this day. If the French were justified in the use of military force to help liberate us, may not our use of force in years to come be seen by the world and the people of Iraq in the same positive way. Can such a positive result be guaranteed? Of course not, but I and many others believe the chances for any improved Iraq's government are greater than some think.

Still, we must clearly remember that we cannot guarantee any nation, so liberated, future success. There are limits on our power, our reach and our resources. I am very pleased that under the leadership of President Bush and Secretary of Defense Rumsfeld, we have only a few more soldiers in Afghanistan than we have in Kosovo. The fate of Afghanistan will be up to their people ultimately. We can help, and we have, but their final fate will be in their hands—as it should be.

It is also important to consider that the threats to the United States do not come from free and prosperous states but failing ones. They fail because of flawed governments.

Thus, I say the President is right to reject a half century of valueless, cynical, diplomatic wordplay, words that sound good but are totally disconnected from reality, and to establish a new foreign policy based on our venerable heritage of honest and direct discussion of issues and values.

I am somewhat puzzled that those who have long advocated our taking steps to aid poor countries in the world do not recognize the possibilities for good that can come from a change in government. It seems there is still a strong strain of ''blame America first'' about. Many had rather complain about our imperfections, real or imagined, than to see the possibilities for a better world.

I strongly believe that America is a force for good in the world. The London based ''Economist'' magazine has recently produced a special insert for that magazine called ''Present at the Creation: A Survey of America's World Role''. It concludes that a strong America is good for the world and notes that America's national interest, ''offers the clearest match there is to a world interest. The desire for unimpeded trade, the rule of law, safety and security, the protection of property and the free movement of property and capital match world needs, not just American ones.''

We are a good, decent and, yes, powerful world leader. I am proud of our history of being, time after time, on the right side of world issues and am very pleased we have a President that understands the new world we are in and who has the courage worthy of the great people he leads.

It is important to point out that if force cannot be avoided, our action will not be against the people of Iraq or the nation of Iraq, but it will be against the brutal, illegal, Saddam Hussein regime. It is a regime that has caused more destruction than any existing in the world today. The people of Iraq will be the greatest beneficiaries of our victory. At this moment, pursuant to U.N. resolutions, our forces are attempting to enforce an embargo against Iraq. It has been only partially successful and it is leaking more and more. The Arab world complains, with much truth, that the embargo only hurts the people, the children of Iraq. Saddam Hussein continues to build places and weapons of mass destruction while his people suffer.

It has been eleven years. How long must the United States continue to carry this burden to enforce a policy that is not significantly hurting the regime but hurts innocent civilians? How can we justify this morally?

There are certainly dangers in military action. While we can hope and believe that if war commences it will go well and that our people will be viewed as liberators and that many Iraqi forces will not fight but defect to our side. We cannot know that. While I am certain we will prevail, I cannot know for certain how tough this war will be. We must recognize there are dangers. The American people understand there are risks and so do all of us. One thing is sure, our magnificent military will work tirelessly to prevail in this conflict with the lowest possible number of personnel killed or injured. But, we know the risks are great and losses could be great. While our forces will work to minimize civilian casualties and to solicit Iraqi military units to defect, such is not certain. There could be civilian losses.

As to the risk of an attack on Israel, cited by many, we should ask what Israel has to say about it. They are clear. It is a decision that is left to the United States. If you must act, do so. Israel is prepared to take the risk.

Well, that's the big picture as I see it. Our motive is good, our goals positive and realistic, and our leaders honest, careful, principled and have the courage to act on those beliefs. Some jaded politicos sneer and say that this is just politics, but I know it is not. I know the vision that President Bush has to protect his people and improve the world. His courage has already placed him at personal risk. These people, after all, have tried to assassinate one former President of the United States. In addition, in acting on his beliefs, he is laying it all on the line. He has told us repeatedly he would not look to polls to decide what actions he should take as our leader.

President Bush is acting honorably and with integrity. He is informing the American people, consulting with Congress, conferring with world leaders and trying to work with the U.N. apparatus. He has altered his tactics to win support from others, but his goal has not changed. Ultimately, if his views are proven false, and all the predicted disasters come true then he will surely pay the price at the ballot box. But, I don't think so. Neither do most of those in this body. I think he is correct and though the road may be difficult and dangerous, I am confident his Iraq policies will succeed as have his policies in Afghanistan. I truly believe that peace, freedom, security and prosperity will be enhanced not reduced as a result of our actions.

It is important to recognize that while this resolution could lead to war, it also offers the best chance we have to avoid war and to achieve security. The distinguished Democratic Chairman of the Foreign Relations Committee has objected to the President's statement that he has not decided to go to war while he asks for a resolution to allow war. But, this is not contradictory. This Congress knows the score. We know Saddam Hussein's deceitful manipulations, his lies, his violence against the Iraqi people and their neighbors, and the constant attacks against our aircraft, even firing on them with missiles this last week. We know he only allowed inspectors into Iraq in 1991 to save his regime. He did it out of fear.

I agree with former President Clinton's National Security Advisor, Sandy Berger, who said at an Armed Services hearing, that he thinks it is unlikely that Saddam will ever accept ''unfettered'' inspections. A strong resolution is essential so that Saddam Hussein knows there will not be another Congressional session to meet and discuss these same issues again. He must know without the slightest doubt, that the man he is dealing with, President George W. Bush, has full and complete authority, as commander-in-chief, to use our armed forces to protect our security and to remove him from power, if need be, if he does not comply and disarm.

Who knows, in that case maybe he will relent. Nothing clears the mind so well as the absence of alternatives.

Maybe he would choose to abdicate and allow a new government to be formed. Maybe parts of his army would defect, or parts of his country would revolt. Indeed, the ''Washington Times'', running an article from the ''London Daily Telegraph'' reports yesterday that

> Members of Saddam Hussein's inner circle are defecting to the opposition or making discreet offers for peace in the hope of being spared retribution if the Bagdad dictator is toppled, according to Iraqi exiles.

One defector came from the Iraqi security services, which form the regime's nerve center. Kurdish groups say:

> They have received secret approaches from military commanders offering to turn their weapons on Saddam when the war begins.

Columnist Morton Kondracke wrote today that there are many possibilities for a regime change without a war. He notes Idi Amin took exile. As the pressure mounts, as the circle tightens, these are among possibilities for achieving our goals short of a full scale conflict.

Yes, it is quite true that the President has requested our authorization to use force, but he still hopes he will not have to use it. For us to not grant him that authority would be only to allow the President to continue negotiations but require him to come back to Congress another time (while we are in recess perhaps) for an authorization to use force. To state that position is to expose its fatal flaw. Such an action would eliminate any chance for a real agreement.

Saddam Hussein will know what we have done. He will know that the President cannot until Congress meets again. He will know that the fateful moment has not come, and that he can continue to delay and maneuver. Clearly, we must authorize the use of force if the President finds it necessary. Otherwise this whole process is a charade. I am confident a majority in this body understand this fundamental concept, or else, the strong vote that is coming would not occur.

Some say, we are acting unilaterally, ''upsetting'' the little nations. But, it was not the United States that invaded Iran resulting in a prolonged and brutal war costing over one million lives. It was not the United States that invaded Kuwait, precipitating an international effort, overwhelmingly led by America, to roll back Saddam's conquest. It was not the United States that has systematically violated 16 U.N. resolutions—resolutions Saddam Hussein agreed to in order to save his regime.

The unilateralist is Saddam Hussein. The United States, on the other hand, has worked assiduously with our allies, Arab nations, other nations and the United Nations to develop a policy that will end the menace presented by Saddam Hussein.

Only the ''blame America first crowd'' would make such an argument. Indeed, we have been patient many times over these eleven years. So patient, so docile, that it has encouraged Saddam Hussein to miscalculation.

Amazingly, several Senators have objected to the resolution because they believe we must have the full support of the United Nations. This is suggested in several ways.

They argue, ''Why now?'' Why not let the United Nations vote first. Why not have the Congress ''come in behind a U. N. resolution?''

This argument is dangerous and counter-productive to our goals. Unless, of course, one's real goal is simply

to wish the whole matter to go away and to not bring it to a head.

First, a U.N. Resolution is very hard to obtain. The primary problem is that any resolution can be vetoed by any one of the permanent security council members, which includes China, Russia and France. These countries may demand concessions in exchange for their votes. They may just refuse. No reason is required.

Secondly, this is our military. Funded, built and staffed by Americans. The American people did not sacrifice to create the greatest military in history to allow China, Russia or even France to have a veto over its use. It is no wonder that these nations would like, through the mechanism of the United Nations, to seize control over our military and to use it as they will. The wonder is why we are even discussing it seriously. Of course, we want to solicit the United Nation's support and aid. After all, Saddam Hussein is in violation of sixteen U.N. Resolutions. Why is the U.N. not anxious to act to bring him into compliance? Former Secretary of Defense James Schlessinger said recently in an Armed Services hearing that,

> This is a test of whether the United Nations—in the face of perennial defiance by Saddam Hussein of its resolutions, and indeed by his own promises—will, like the League of Nations a century ago, turn out to be an institution given only to talk.

The President has frankly and courageously framed the question to the U.N. He has stated plainly that Saddam Hussein is in violation of sixteen U.N. Resolutions and is a danger to the region and the world. He has made it clear that it is his duty to protect the American people from this threat and that he intends to do so. But, he expressed support for the U.N. programs and urged the U.N. to take action, to be a relevant player in this crisis. He urged the U.N. not to sit on the sidelines. He made it clear that no change was unacceptable. Since then he has worked steadfastly to win the necessary support in the U.N. and the Security Council. He has humored, maneuvered, pleaded and, I am sure ''promised'' to gain support. Maybe the U.N. will arouse itself and take action. Nothing could do more for its credibility.

But there are limits. This Congress must not crawfish or we will thereby tell Russia or France that they have a veto over our actions. It will encourage their resistance. If Russia knows Congress has allowed them to decide the issue, their power is even greater—it is absolute.

Now, if members of this body oppose bringing the Iraq matter to a head and oppose any use of military force then let them come out and say so. It is wrong, however, and harmful to America to take an indirect approach that gives the appearance of support but which would undermine the execution of our policy.

Yes, it would be very desirable to have U.N. support to deal with the Iraq problem. But, the best way to get it is to let them know we will act even if they don't.

I agree with former Secretary of Defense James Schlessinger that while the doctrine of prevention is sound and historical and has been applied in tougher cases than this, it is not necessary here. Schlessinger rightly says that,

> In an ongoing conflict, the issue of pre-emption is close to meaningless.

The truth is, we have been at war with Iraq since 1991. In essence, Saddam Hussein sued for peace to save his regime. The world in effect said we will end hostilities, but you must give up your weapons of mass destruction and agree to full inspections to prove that you have.

Since then, we fly missions every day to enforce the northern and southern no-fly zones. Iraq fires surface-to-air missiles at our planes almost daily and we bomb in response regularly. Iraq has shot down three of our predator, unmanned aircraft, in recent months. We defend the Kurds. We keep forces in Kuwait and in the region to deter another attack by Iraq. The war has never ended. In 1988, the Congress voted for the ''Iraq Liberation Act''. We declared it U.S. policy to effect a regime change in Iraq and authorized the President to carry out that policy. In fact, it gave five million dollars to Iraqi resistance forces and called for trying Iraqi leaders for war crimes.

Those who are reluctant to use force have focused on concerns about the idea of using pre-emptive force to protect our security. They have forgotten the war has never ended, that our aircraft pilots are being fired at daily.

It is undisputed that our actions are taken as part of a U.N. program to protect the world from Saddam Hussein's aggression.

Thus, we have every basis to use force to enforce the agreements Saddam Hussein made and to react to the hostile fire he brings to bear against us.

My fear is that the President is being forced to deal with the tendency to move to the lowest common denominator that always results from U.N. negotiations, and will not be able to obtain the clarity we need from any resolution approved by the Security Council. So far, he has been courageous and effective. Let us stand with him so we can enhance the chances of a good resolution, not undermine his efforts with a lack of support.

Regardless, it must continue to be clear that no one nation or group of nations will be allowed to block our duty to defend our people. Especially when we are dealing with a regime that violates U.N. resolutions and continually directs hostile fire at U.S. forces.

This is an important time for America. We have a duty to protect our nation and our deployed forces from attack. We have the ability to do so. Our superb military personnel stand ready to put themselves at risk to promote our just national interests.

We are fully justified in acting under the venerable doctrine of preventing an attack upon ourselves. When there is a smoking gun or a mushroom cloud it is too late.

For those who have anxiety about the pre-emption doctrine, and I do not in this case, I urge them to remember that we have been in an actual state of military hostilities with Iraq almost since 1991. He shoots at our pilots and aircraft regularly. He has violated, in 16 ways, the conditions that he agreed to save his evil regime.

Let's not waiver, let's not delay, let's not go wobbly. Let us produce a strong vote for this strong resolution. Then the situation will become clear. We will say to Saddam Hussein, once and for all, you will disarm or, like the Taliban, you will fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I come before the Senate this evening to join in this debate, to express my support for our Nation's effort to address the threat Saddam Hussein poses, and to lay out the concerns that I believe must be addressed if we are to succeed in disarming Iraq. The President has called upon Congress and the American people to support his administration in its effort to eliminate Saddam Hussein's hold on weapons of mass destruction. The Congress has responded by taking up this resolution authorizing the use of force, if needed, to strip Iraq of those weapons and the ability to deliver them. A number of serious questions have been raised in this historic debate. It is critical that President Bush and the Congress fulfill our obligation to all Americans, and to the international community, by ensuring that those questions are faithfully addressed.

Saddam Hussein has shown himself to be an implacable foe of the United States. It is essential that we confront the threat that he represents. The question is not whether we confront it, but how we confront it. We must make every effort to build a multilateral coalition. If we do so, we raise the likelihood of bringing a measure of stability to a turbulent part of the world. If we do so, we can minimize the impact of any conflict on the Iraqi people, on Iraq's neighbors and on American and allied forces. And if we do so, we will serve to strengthen, not undermine, the international laws and institutions that have served us well in the years since World War II.

Leadership is a responsibility that cannot be taken lightly. Leadership in deciding whether to resort to military force requires the greatest deliberation and consideration. Secretary of Defense Donald Rumsfeld, in recent testimony before the House Armed Services Committee, said that ''no one with any sense considers war a first choice—it is the last thing that any rational person wants to do. And it is important that the issues surrounding this decision be discussed and debated.''

It is clear to me that millions of Americans are discussing and debating the issues (that are before us this evening. I have heard from Delawareans throughout my state. I have heard from veterans who know the harsh realities of war. I have heard children who can scarcely imagine it. I am comforted by the fact that the American people, and their representative in Congress, have been thoughtful and deliberate in discussing the challenges that we face and how we might confront those challenges.

This is not the first time that I have faced the question of how we ought to deal with Saddam Hussein's intransigence in the facet of international law. As a Member of the House of Representatives, I voted in 1991, along with many members of this body, to authorize President George Herbert Walker Bush to use military force to expel the armed forces of Iraq from Kuwait. I am proud of that vote, and I am prouder still of the American and allied forces that went on to liberate Kuwait.

Having engaged in that debate, and witnessed Saddam Hussein's refusal to yield except when confronted with the threat of force, I have no illusions about the danger he poses to regional stability and international security today. I am concerned that Iraq remains in violation of more than a dozen Security Council resolutions. I am alarmed that the regime of Saddam Hussein continues to develop weapons of mass destruction in violation of the international agreements it promised to comply with at the end of the gulf war. Above all, I feel strongly that we must not allow Saddam Hussein to develop the capacity to acquire or deploy nuclear weapons.

This past Monday night, President Bush addressed our Nation. He reminded us that there are significant risks to the United States both in acting and in not acting. If we choose not to act, we must remember that, in Saddam Hussein, we are talking about a man who has invaded his neighbors, showing a reckless disregard for the stability of a volatile region. We are talking about a man who has risked his own survival, and that of his regime, to indulge his own vengeance. Finally, we are talking about a man who has used weapons of mass destruction before, even against his own people.

The need for action, however, does not preempt the need for an objective and open debate on the course of action we choose and the consequences of our subsequent actions. Bringing the weight of the world's disapproval to bear on Iraq; demanding unfettered inspections of every potential weapons site; and preparing for any military or diplomatic contingency offers us the best chance to face down our foe now and to ensure his permanent disarmament.

Like many in this chamber, I believe that it is essential for us to work closely with the international community to reinstate inspections that will lead to Iraq's disarmament. But it's imperative that such inspections be unhindered. Inspectors must have the freedom to go where they want, when they want. They must have the right to talk to whomever they wish and to provide immediate amnesty to any Iraqis who provide information that might place them at risk of reprisal from the regime. Inspections are only valuable if they are truly a means of stripping Saddam Hussein of his weapons of mass destruction and his ability to deliver them. If Saddam Hussein's regime is unwilling to accept this level of intrusion, both he and Iraq must be prepared to accept the consequences, including the likelihood of a war they will lose.

Looking back, one of the principal reasons we were so successful in the gulf war was because former President Bush and his administration did the hard work necessary to build a broad, strong international coalition before unleashing our military might. Our current President and his aides similarly did the hard work necessary to build such a coalition after the attacks on our country last fall. This up-front investment has paid off in the arrests of Al Qaeda operatives throughout the globe, as well as in the elimination of the regime that was harboring them in Afghanstan—though the war on terror is far from over. These are prime examples of America's global leadership in action at its very best. They are examples that we should emulate now.

If we fail to uphold our international leadership responsibilities, and act without regard to the views and interests of our allies, we invite our isolation in the world. We undermine our position as a preeminent force in global policy and order. We make more difficult the task of securing the assistance of the international community in helping Iraq to return as a responsible member of the community of nations. We invite additional terrorist attacks on Americans at home and abroad, as well as put the fragile governments of many Muslim nations further at risk. Moreover, if we are perceived to act without the sanction of international law or authorization of the United Nations, we further fuel anti-American resentment in the Arab world, thereby increasing the threat to Israel. On the other hand, if we make an effort to work in concert with our allies, we have the opportunity to strengthen the international institutions that will be critical in addressing future threats.

At a time when 24-hour news networks have made the images of war instantly accessible, our nation's recent military successes have made the awful realities of war appear ever more remote: images of laser-guided bombs falling on indistinguishable targets; missiles lighting up the night sky. For an entire generation of Americans, our military efforts have come to be seen almost as a casualty-free video game, where no one gets hurt and few families face the knowledge that their son or daughter will not be coming home.

But like a handful of my colleagues here in the Senate, I have known a different side to war, having seen if firsthand. During my 23 years in the Navy, including service in Southeast Asia, we witnessed soldiers, sailors, and airmen leaving for missions from which they would never return. I've met countless veterans who left part of themselves on the battlefield. Some of those heroes serve in this very body today.

War can—and often does—enact a terrible price. It should be entered into as a last resort. So, the decision we face this week, which may lead to war, is not one that I take lightly. Nor do any of us.

For the past 11 years, people in this country and elsewhere have second-guessed the decision of former President Bush to stop short of entering Baghdad in 1991. I have never criticized that decision. That flat, open sands on which our soldiers fought and won is a far different—and less dangerous—terrain than the streets of major Iraqi cities. There, our enemy's tactical advantage likely would have enacted a far heavier toll on American lives.

If the course of events in this decade ultimately leads to another conflict with Iraq, and I hope it does not, the risks associated with urban warfare may well become a reality this time. Before they do, it is critical that we prepare ourselves, and the American people, for the losses we may endure in a military campaign of that nature.

We must also face head-on the fact that, if war should occur, liberating Baghdad from Hussein's power will not solve every problem in the region. It will, however, force us to find answers to a difficult set of new questions. Among them, how will we operate in Iraq after a military victory? A number of competing factions will vie for control if Saddam Hussein is removed from power. Who will we support? How will we convince them to work together? We will need a coherent policy to help Iraq make the transition to political and economic stability. We will also need a great deal of patience and fortitude. Otherwise, we risk creating a less stable and more explosive Iraq than we face today and, worse yet, an even more volatile region.

We have learned from our missions in Bosnia, Kosovo, and Afghanistan that bringing meaningful change to unstable nations requires enormous time, resources, and effort. We have been relatively successful in restoring stability in Bosnia and Kosovo, but it has not been without a painstaking commitment over many years. Indeed, the U.S. and our NATO allies continue to maintain a significant troop presence in both of those nations.

Afghanistan, on the other hand, has demonstrated how minimal troop commitments can impair efforts to restore peace in a war-ravaged nation. Hamid Karzai and his coalition government continue to express Afghanistan's ongoing need for adequate support and resources from the U.S. and other nations if the Afghan people are to realize

the peace and democracy of which they dream.

In a post-war Iraq, the need for ongoing U.S. and allied intervention is likely to be far greater and far more costly. Experts in military operations maintain that creating a more stable Iraq will require the continued presence of between 50,000 to 100,000 troops. Not for a few weeks or months, but for several years.

There is another question that I believe must be addressed as we move forward: How will we bear the financial burdens of such a mission? It is impossible to place a price tag on the lives that might be saved by disarming Saddam Hussein. At the same time, it would be fiscally irresponsible to take on such an operation without at least considering the impact of a potential war on our already fragile economy. Over the past 2 years, we have watched the stock market plummet, making its sharpest decline in 70 years. The budget surplus that we worked so hard to achieve in the 1990's is gone. All the while, current estimates project the likely cost of U.S. military action in Iraq to be in the range of $100 billion. These estimates do not include the prospect of long-term peacekeeping operations in the event of a regime change. The presence of tens of thousands of U.S. troops for months—maybe years—once the fighting has ended will cost billions more. This is a cost we should not bear alone.

I believe the principles and questions I have laid out today were best embodied in, and addressed by, the bipartisan resolution drafted earlier this month by Senate RICHARD LUGAR and my fellow Senator from Delaware, JOE BIDEN—two Senators of intellect and skill in the area of international diplomacy. The Biden-Lugar draft resolution focused on the most critical task at hand—disarming Saddam Hussein. Senators BIDEN and LUGAR carefully crafted this resolution to give President Bush the flexibility he needs to garner international support now for a tough, new U.N. Security Council resolution. Their draft resolution also provided the President with the authority to unleash U.S. military force against Iraq should he determine that Iraq's continued intransigence makes such action necessary. I'm disappointed that we will not have the opportunity to vote on that alternative this week. Having said that though, I do believe that the Biden-Lugar proposal contributed appreciatively to the change in direction that this debate has taken in recent weeks, particularly in its emphasis on acting together with our allies. That change in tone was clearly evident in the address of President Bush to the American people this past Monday night. What he said encouraged me and served to reassure much of our nation.

The President spoke of the importance of working with the United Nations to craft a tough inspection regimen in Iraq. I agree with him. The President said that the U.N. must be ''an effective organization that helps keep the peace.'' I agree with him. The President told the American people that our primary goal in this endeavor is to strip Saddam Hussein of his ability to manufacture and deploy weapons of mass destruction. Again, I agree with him. We also heard the President state that he hopes the policy he has laid out will not require military action, although he acknowledged that it might. I hope it will not. We all share that hope in the Senate as members of this body prepare to cast our votes and to authorize the use of force if certain conditions are met.

In closing, let me say for much of our Nation's history, the United States has been an instrument for peace and justice and a better life for the people of many nations throughout the world. That is our heritage. It is one of which we can be proud.

There have been times in our history when we have had to go it alone. But history has shown that we have been most successful when we provided the leadership that compelled other nations to join us in a just cause—two World Wars, the Cold War, the Persian Gulf War, Bosnia, Kosovo, Afghanistan, and the war on terrorism. Stripping Saddam Hussein, once and for all, of the weapons that would enable him to create havoc and great loss of life is a just cause. Other nations know that, too.

If we make the case to them forcefully, skillfully, and persistently in the weeks ahead, they will join us. I am certain of it. The burden before us—disarming Iraq—is one we should not bear alone. If the President uses the powers inherent in this resolution authorizing the use of force with great skill and diplomacy, we will not have to bear this burden, and face this challenge, alone. An armada of nations, again, will join us, and together we will make this world, at least for a little while, a safer and saner place in which to live.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 20 minutes.

Mr. ENSIGN. Madam President, as our nation appears to draw closer to war, I rise with full consciousness of the burden that each of us has to help guide our nation during this time of peril. It is indeed a heavy burden to bear, but nothing compared to the burden of those who serve in our military.

The vote to authorize the use of force in Iraq is one of the most difficult and important votes any of us will ever cast. We need to approach this issue as if we are sending our very own children to war because, in effect, we are voting to send our nation's children to war.

Secretary of Defense Donald Rumsfeld recently told Congress that ''a decision to use military force is never easy. No one with any sense considers war a first choice.'' The risks of war are real but the risks of inaction may be even greater. As Ronald Reagan put it in his first inaugural address, ''I do not believe in a fate that will fall on us no matter what we do. I do believe in a fate that will fall on us if we do nothing.''

The threat posed by Saddam Hussein's regime is growing with each passing day. He has, at this moment, chemical and biological weapons he could use against us or share with terrorist networks that threaten us. He is pursuing nuclear weapons. He has used chemical weapons against his own people, and against foreign forces. He has invaded two of his neighbors and fired ballistic missiles at four of his neighbors. He supports terrorist networks, and has harbored senior al-Qaida terrorists in Baghdad since September 11. He has a long-standing hostility toward the United States, because we have denied him his ambition to occupy the territory of his neighbors and dominate the Persian Gulf region. He has openly praised the September 11th attacks, and his state-run press has called them ''God's punishment.'' He has warned that Americans should understand that ''every Iraqi [can] become a missile.''

Each of us needs to carefully weigh the risks posed by his regime the risk of acting and the risk of doing nothing in the face of this threat. And Mr. President, I submit that the risk of inaction far outweigh the risk of war in Iraq. Here is why:

For most of our history, America has been able to rely on our geography to protect us. Two oceans, and friendly neighbors, provided a buffer against enemies who might want to attack us. After September 11th, we now know our invulnerability has passed away. We are not only vulnerable to terrorists who use airplanes as missiles we are vulnerable to terrorist networks and terrorist states that want to use weapons of mass destruction against us.

As Secretary Rumsfeld has pointed out, when the threats came from conventional weapons, our country could afford to wait for an attack to happen, absorb the first blow, regroup, and then respond militarily. In the age of weapons of mass destruction, however, we can no longer afford to wait.

In this new security environment, we must become more proactive in our efforts to prevent attacks that have the potential to be far worse than that of September 11. We must make sure when possible that those who have the desire to attack us are prevented from having the means with which to carry out those attacks. We have a right and an obligation to take anticipatory action in our own self-defense.

This certainly would not be the first time that our nation engaged in preventative military action in defense of our homeland. During the Cuban Missile Crisis, President Kennedy ordered a military blockade of Cuba in 1962, an act of war under international law. This was done even though the Soviets were not engaged in an armed attack, nor were the missiles an imminent threat.

Today, Saddam Hussein poses a similar threat. And we should give this President the authority he needs to

deal with the Iraqi threat now, before it reaches our shores.

Saddam Hussein poses a very real and imminent danger to the United States. According to the CIA, Iraq ''has broad capability to attack'' the U.S. ''with chemical or biological weapons and could build a nuclear bomb within a year if it obtains fissile material from abroad.'' Iraq ''probably'' has ''stockpiled more than 100 tons of mustard gas and other chemical weapons. Iraq has developed 'large scale' capability to produce anthrax and other bioweapons in mobile facilities that are easy to hide and hard to destroy.''

The longer we wait, the stronger he becomes, and the harder he will be to defeat. Saddam Hussein's regime hosts terrorist networks and has directly ordered acts of terror on foreign soil. He has used weapons of mass murder before, and would not hesitate to use them again.

Moreover, Saddam Hussein's ongoing defiance of U.N. Security Council resolutions has made clear that he has no intention of disarming or discontinuing his weapons of mass destruction programs.

Remember, our goal is not to get weapons inspectors back into Iraq. Our goal is disarmament. And Saddam Hussein has shown that he is not willing to disarm. To the contrary, he has proven willing to pay an enormously high price to maintain his weapons of mass destruction aspirations. Under U.N. sanctions, he has given up about $180 billion in oil revenue to keep his weapons of mass destruction. As Richard Butler, a former U.N. chief weapons inspector has said, ''The fundamental problem with Iraq remains the nature of the regime, itself. Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.''

Congress recognized that fact in 1998 when it passed The Iraq Liberation Act stating that, ''It should be the policy of the United States 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.'' We knew then what we know now—that regime change and disarmament are inextricably linked.

Just like there are career criminals there are career criminal regimes. Leniency only incites them to more violence. They are driven; they are compulsive. And unless they are constantly thwarted they will continue to prey on the weak and defenseless.

We cannot stake the lives of tens of thousands of innocent American citizens on the hope that Saddam Hussein will never use his weapons of mass destruction against us. He has already proven that he cannot be trusted, and that he poses a great threat to the peace and stability of the world. This is a critical moment for the United States. If Saddam Hussein is appeased with more talk of weakened, compromised weapons inspections, which he has repeatedly defied, we risk leaving our country open for another catastrophic attack, one potentially far worse than the heinous acts of September 11th.

As we debate how to deal with the Iraqi threat, we must never forget that in Saddam Hussein we are dealing not just with a homicidal dictator; we are confronting Evil that is akin to Stalin and Hitler.

Just ask former Iraqi general, Najib Salhi. He defected from Iraq and was living in Amman, Jordan when one day he came home to find a package from Saddam Hussein's intelligence service. He opened it to find a video tape.

When he put it into the VCR, he saw what he thought was a pornographic film—till he realized, to his horror, that he was watching the rape of one of his closest female relatives. The message was clear. They wanted to blackmail him into silence.

That is the face of Evil.

Or consider the fact that Saddam Hussein's regime has admitted to having weaponized aflotoxin—the only country in the world known to have done so. As former CIA Director Jim Woolsey has stated, ''The only use of aflatoxin is that it creates cancer, long-term cancer, especially in children.''

Aflatoxin has no military value. It has no battlefield use. It takes tens of years to kill its victim. It is a weapons whose only purpose is to kill innocent people for murder's sake. Richard Spertzel, the former chief biological weapons inspector for UNSCOM, declared that aflatoxin is ''a devilish weapon. From a moral standpoint, aflatoxin is the cruelest weapon—it means watching children die slowly of liver cancer.''

That is the face of Evil.

Look at the attacks Saddam Hussein has ordered on his own people—on thousands of innocent men, women, and children—in Halabja, using a chemical weapons cocktail. Those attacks are causing cancer and genetic mutations that will be felt in this generation and the next.

That is the face of Evil.

Saddam Hussein is a man who has personally shot and killed members of his own cabinet; who has ordered his opponents to be burned alive in vats of acid; who forces those suspected of disloyalty to watch the gang rape of their mothers, daughters, wives, and sisters; who not only tortures dissidents, but tortures their children in front of them.

He is the living incarnation of an Evil that cannot be appeased and cannot be deterred, and must be confronted and defeated.

He has murdered hundreds of thousands of innocent people—and is pursuing weapons that will allow him to extend his deadly reach across oceans and continents—that will give him the capability to kill our people—our children, our families.

The President has rightly called Saddam Hussein ''a student of Stalin.'' And I applaud him for his resolve in confronting the dangers posed by the Iraqi Regime.

The President has awakened the world to the existence of evil in our midst—and challenged the world to confront that evil before it confronts us, at the cost of millions of lives.

It is a natural reaction to flee in the face of evil. It is little wonder that much of the world has been reluctant to stand its ground and face down Saddam Hussein, which is why the President's leadership has been critical, and why it is so important for the United States Congress to show similar resolve, and demonstrate our unity with the President.

In showing steadfastness and steely determination, the President made clear to the Iraqi regime, and the world, that we were not going to repeat the tired old pattern of meeting Iraq's threats with inaction. And that leadership has had an impact. One by one we have seen nations join the U.S. in recognition that Saddam must go. Some have said so publicly, others privately. Let there be no doubt: if we go to war, we will not be going it alone.

Thanks to our President, the world understands that there is a price to be paid for defying the United States when our survival is at stake. And I believe that a strong show of support by Congress will strengthen the President's hand at the United Nations.

While we greatly value the support of our allies in the war on terror, we must never give other nations the authority to stop us from defending our freedom or from acting in our own self-defense. We must do what we feel is right in protecting America, whether or not we have the approval of France, Russia, China or any of the other nations which currently sit on the U.N. Security Council.

None of us takes the prospect of war lightly. War is difficult and dangerous, and lives will be lost. I understand the concerns many Americans have about war in Iraq, and I fully appreciate the sacrifice American families make when they lose a loved-one in the fight to keep America and the rest of the world free from tyranny and oppression.

This country lives, freedom lives, because brave men and women were willing to die for it—willing to risk their lives, and give their lives, for a cause greater than themselves. As scripture teaches ''there is no greater love than this: that a man lay down his life for his friends.'' We are all concerned for the well being of our troops, and we thank them for their willingness to keep America safe from the evil that has been made so apparent in the last year.

While I value diplomacy and rhetoric, there comes a time when force is inevitable—when our choice is not between war and peace, but between war today, when our enemy is weaker, or war tomorrow, when our enemy is stronger. That is the choice we face today.

We have tried diplomacy. We have imposed sanctions. We have sent inspectors. All attempts to reason with the Iraqi Regime have failed. The only language Saddam Hussein understands is force.

Indeed, in a way, we are already at war with Iraq. Since hostilities ended in 1991, Iraq has repeatedly violated the ceasefire conditions which were set out at the close of the Gulf War. Just ask our brave pilots who are being shot almost every day as they patrol the no-fly zones over Iraq.

After President Bush's speech to the U.N., Saddam Hussein sent a letter to the U.N. promising to ''allow the return of United Nations weapons inspectors to Iraq without conditions.'' He went on to say that Iraq ''based its decision concerning the return of inspectors on its desire to complete the implementation of the relevant Security Council resolutions and to remove any doubts that Iraq still possesses weapons of mass destruction.''

Hours after that letter arrived at the U.N., Iraq was shooting at U.S. aircraft implementing those same relevant U.N. Security Council resolutions. Since 1992, the Iraqis have used anti-aircraft artillery, or Triple-A, against our aircraft in the northern and southern no-fly zones. In fact, over the last three years Iraqi Triple-A has fired at coalition aircraft over 1,000 times. This year to date they have fired on us over 400 times—and since that September 16 letter where Saddam pledged his support for U.N. resolutions they have fired on coalition aircraft more than 70 times. It appears that Iraq has actually stepped up its firing on U.S. and British planes since he agreed to cooperate with the U.N. Actions speak louder than words. And for 11 years Saddam Hussein's actions have shown that he is bent upon pursuing weapons of mass destruction at all costs.

After all, three days after Saddam Hussein's September 16th letter pledging the unconditional return of weapons inspectors, Iraq's foreign minister stated U.N. resolutions were ''unjust and at odds with the U.N. charter and international law.'' He further declared, ''Iraq demands that its inalienable rights are met, including respect for its sovereignty, security and the lifting of the blockade imposed on it.'' Then Baghdad stated that the 1998 Memorandum of Understanding which exempted certain presidential palaces must stand. I am sure we will hear from time to time that Baghdad is once again stating that unconditional inspections could take place. The words change, but the actions stay the same. They keep right on firing at our pilots.

Madam President, on September 11, 3,000 innocent citizens were killed. If their deaths are to have any meaning, our nation must not forget the lesson they gave their lives for us to learn. The era of our invulnerability is over. Evil exists—it is real, it is out there, and it seeks our destruction. If we ignore it, it will not go away. It will continue to stalk us, and kill more of our people.

It must be confronted and it must be defeated.

''There is a time for all things,'' the Rev. Peter Muhlenberg told his congregation on the eve of the Revolutionary War, ''a time to preach and a time to pray. But those times have passed away. There is a time to fight, and that time has now come.''

We have listened and we have prayed. Now we must fight.

For the best honor we can bestow on those who have died for our nation, and those who will die for our nation, is victory. Victory over terrorism. And if the President believes it is necessary to secure our freedom, victory over the regime of Saddam Hussein.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that Senator GRAHAM's and Senator CANTWELL's time be changed. Senator GRAHAM will go before Senator CANTWELL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized for 30 minutes.

Mr. GRAHAM. Thank you, Madam President.

Madam President, I rise this evening to speak to my colleagues, more importantly to speak to the people of the United States and, especially, my fellow Floridians.

In my service in the Senate I have not shied away from authorizing the use of force when I believed it was in our Nation's interests.

I voted to use force in the Persian Gulf in 1991. I voted to use force in Bosnia in 1992. I voted to use force in Kosovo in 1999.

I have given the President of the United States a presumption of correctness in his assessment of our national security interest.

But, Madam President, tonight I am going to vote no on this resolution. The reason is this resolution is too timid. It is too limiting. It is too weak. This resolution fails to recognize the new reality of the era of terrorism. And that reality is that war abroad will, without assertive security actions, increase the prospects of terrorist attacks here at home.

In fact, war on Iraq alone leaves Americans more vulnerable to the No. 1 threat facing us today, those international terrorist organizations that have the capability to inflict upon us a repeat of the tragedy of September 11.

The resolution I had hoped we would pass would contain what the President has asked for relative to the use of force against Saddam Hussein's regime in Iraq, and more.

It also should provide the President all necessary authorities to use force against the international terrorist groups that will probably strike the United States as the regime of Saddam Hussein crumbles.

I offered an amendment on this floor yesterday that would have given the President the authorities he needs to deal with the threat posed by the five deadliest terrorist organizations in addition to al-Qaida—that would gladly join Saddam Hussein in his retaliatory strike.

Those five organizations have already killed hundreds of Americans. Those five organizations have ties to countries that could provide them with weapons of mass destruction. Those five organizations have the capability to strike within our homeland. They have recruited, trained, and placed operatives in our hometowns.

I argued that the President should have the option to set priorities and choose our targets, and to be able to preempt terrorists before they can order strikes against us in our homeland. Unfortunately, that amendment was rejected.

Some said I was incorrect in my contention that the President, as Commander in Chief, lacks the power to expand the war on terrorism beyond al-Qaida. I disagree. But I will not repeat the legal arguments that I made yesterday.

But even accepting the fact that others may disagree, how is it in the interest of our Nation's security to leave the question in doubt as to whether the President has the authority to attack these international terrorist organizations that represent such a lethal threat to the people of the United States?

There have been some past administrations which have allowed leaders of rogue states to be uncertain as to how America would respond if they used weapons of mass destruction. This administration should not repeat that fundamental error.

If we want to deter the world's terrorists and madmen, shouldn't we tell them, in the most explicit terms, what they will face by U.S. retaliation to their action?

I also want to restate my conviction that this resolution forces the President to focus our military and intelligence resources on the wrong target. A historical example, which has been used repeatedly in this debate, is the example of the 1930s: that England, France, and other nations, which would eventually join in the world's greatest alliance, slept while Hitler's power grew.

They say the equivalent of passing this resolution is to have declared war on Hitler. I disagree with that assessment of what this lesson of history means. In my judgment, passing this resolution tonight will be the equivalent of declaring war on Italy. That is not what we should be doing. We should not be declaring war just on Mussolini's Italy. We should also be declaring war on Hitler's Germany.

There are good reasons to consider attacking today's Italy, by which I

mean Iraq. Saddam Hussein's regime has chemical and biological weapons and is trying to get nuclear capacity. But the briefings I have received suggest our efforts, for instance, to block him from obtaining necessary nuclear materials have been largely successful, as evidenced by the recent intercept of centrifuge tubes, and that he is years away from having nuclear capability.

So why does it make sense to attack this era's Italy and not Germany, especially when by attacking Italy, we are making Germany a more probable adversary?

The CIA has warned us that international terrorist organizations will probably use United States action against Iraq as a justification for striking us here in the homeland. You might ask: What does the word ''probably'' mean in intelligence speak. ''Probably'' means there is a 75 percent or greater chance of the event occurring. And the event is that international terrorist organizations will use United States action against Iraq as a justification for striking us here in the homeland.

Let me read a declassified portion of a CIA report recently presented to the Senate Select Committee on Intelligence:

> Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or [chemical and biological weapons] against the United States.
>
> Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions.
>
> Such terrorism might involve conventional means . . . or [chemical and biological weapons].
>
> Saddam might decide that the extreme step of assisting Islamic terrorists in conducting a [weapon of mass destruction] attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

In other words, the odds of another strike against the people of the United States by al-Qaida or one of the international terrorist groups goes up when we attack Baghdad.

The President should be in the most advantageous position to protect Americans, to launch preemptive strikes and hack off the heads of these snakes. With the resolution before us, we are denying the President that opportunity, and we are sending confusing signals to our people and our allies as to the sincerity of our commitment to the war on terrorism.

The American people and our allies gave President Bush their wholehearted support in the war on terrorism after September 11. They cheered our efforts to remove Osama bin Laden and the Taliban government from Afghanistan. A year after we commenced that war, action in Afghanistan has ground to a virtual halt. Osama bin Laden remains at large, and we have not moved aggressively beyond Afghanistan to take on the cells of al-Qaida operatives in other parts of the world.

We also know of sanctuaries, training camps where the next generation of terrorists are being trained and that those sanctuaries are going unattacked.

With sadness, I predict we will live to regret on this day, October 10, 2002, we stood by, and we allowed those terrorist organizations to continue growing in the shadows. It may be days, weeks, months, or years before they strike Americans again, but they will, and we will have allowed them to grow that capability.

If we are going to pass this resolution—and I expect we will—there are several things we should say about the need to protect the American people. Within the region of the Middle East and central Asia, we have a constellation of challenges, threats, and commitments of the United States. We need to use this period of time to begin to reduce the threat environment in that area by active, sustained U.S. diplomacy on two half-century-old disputes: The dispute between Israel and Palestine, and the dispute over Kashmir, the festering sore between two nuclear powers, India and Pakistan.

Second, the President a year ago should have ordered all of the law enforcement agencies under his control to design a comprehensive means of determining the number, location, and capability of terrorists who are living among us. But tonight, no one in our government can fully tell us which, when, where, and how terrorist organizations might hurt us. This I consider to be a stunning admission and an unnecessary vulnerability.

At this late hour, such action should be of the most urgent priority. This should be done, of course, within the confines of the protections afforded to all American persons by the Constitution of the United States.

Third, we should be moving to detain all those who can be legally detained who represent a threat to the United States.

Fourth, the President should direct the military forces of our country to prepare to execute a full-fledged war on terrorism. We must complete our mission in Afghanistan and then move to the next targets of al-Qaida cells.

Finally, I would advise the President to request of the Congress the authorities he needs to execute the war on terror and to protect Americans. Specifically, this should include the authority to use force against those international terrorist organizations with the greatest capability to kill Americans here at home, with the greatest history of having used their evil intent against Americans, and with the largest number of terrorist operatives located within the United States.

Our people need to know their government is doing all it can to keep them safe. Tonight many Americans are anxious and frightened, and they have cause to be. One year ago letters carrying anthrax killed five Americans, including one in my home State, and created great concern. That case has not yet been solved.

One year later, here in the Capital region, a sniper is randomly taking lives of innocent people going about their daily activities. Just hours ago, police confirmed the man who was shot last night while pumping gas into his car at a service station is the eighth victim, six of whom are dead. And in today's Washington Post, a front page article has the headline ''Probe Less Cohesive Than Advertised.''

It states:

> Behind the scenes at the command central, however, interviews with leading investigators suggest that while some aspects of the massive effort are working well, others are fraught with the same turf battles, politics, leaks and confusion that historically have characterized manhunts of this size.

Are these acts that we are trying to unravel those of a madman, a mad scientist, a terrorist? The honest answer is that we do not know. In these frightening times, it is irresponsible to add to the anxiety of the American people by going to war with Iraq—without taking the additional steps required to curtail the possibility of more horrors being inflicted upon us here in our homeland. This resolution fails to take those steps.

Different people have different opinions of what our national security priorities should be. Clearly, some—including the President—believe the first priority should be regime change in Baghdad. Others believe our first priority should be to disarm Iraq by removing its weapons of mass destruction. As important as they may be, I have a different view.

The United States has many challenges, threats, and commitments to respond to, particularly in the region of the Middle East and central Asia. These include the Israel-Palestine conflict, the India-Pakistan standoff, and the threats posed by weapons of mass destruction. Even if we say the No. 1 issue in the region should be containing weapons of mass destruction—especially nuclear weapons—I frankly do not believe Iraq should be our first concern. We do not know the full capabilities of the State of Israel, although we believe it has the full capacity to defend itself against attacks, or the threat of an attack. We are aware of the significant capacity possessed by India, Pakistan, and Iran. I can say without fear of contradiction that all of these possess substantially greater capabilities and means of delivering nuclear or other weapons of mass destruction than Iraq.

Of all the issues we care about, and those issues over which we have some capability to determine the outcome, in my judgment, the No. 1 priority should be the war on terrorism and its threat to the people of the United States in our homeland. Our top targets should be those groups that have the greatest potential to repeat what happened on September 11, killing thousands of Americans. Passing this

timid resolution, I fear, will only increase the chances of Americans again being killed. That is not a burden of probability I am prepared to accept. Therefore, I will vote no.

I close with the words spoken in one of the darkest periods of the history of the Western World. In 1941, Winston Churchill said:

> Never, never, never believe any war will be smooth and easy, or that anyone who embarks on the strange voyage can measure the tides and hurricanes he will encounter.
>
> The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy, but the slave of unforeseeable and uncontrollable events.

Mr. REID. Madam President, how much time did the Senator from Florida use?

The PRESIDING OFFICER. The Senator used 20 minutes.

Mr. REID. And he had 30 allocated to him. Therefore, I ask unanimous consent that Senator MIKULSKI be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, after careful consideration, I have decided to oppose the Bush resolution on Iraq. This resolution would give President Bush the unilateral authority he seeks to go to war against Iraq without international support or international resources. The resolution includes only tepid language supporting diplomatic efforts at the United Nations.

The Senate is making a grave decision: Whether to give the President unlimited authority to go to war and send American military men and women into harm's way.

I take this responsibility very seriously. I have listened to the President and his advisors. I have consulted with experts and wise heads. I have participated in hearings and briefings as a member of the Senate, and particularly as a member of the Intelligence Committee. I have listened intently to my own constituents.

The American people are deeply ambivalent. The American people want a safer world, a world in which distant tyrants can't threaten us and our bases and our embassies and our treasured allies. The American people are counting on us to assess the Iraqi threat and to confront it with our allies. They and I firmly believe that Saddam Hussein is duplicitous, deceptive, and dangerous.

Iraq has grim and ghoulish weapons to carry out his evil plans. As part of the Gulf War cease-fire agreement, Saddam Hussein committed to destroying its chemical and biological and nuclear weapons programs and longer-range missiles. Instead, Saddam Hussein is trying to add nuclear weapons to an arsenal that already includes chemical and biological weapons and ballistic missiles.

These threats cannot be ignored and allowed to grow. But these are not only threats to us. These are threats to the international community, and the international community must share the responsibility of addressing them.

I support a robust multinational response to the Iraqi threat. That's why I supported the Levin resolution, urging the United Nations Security Council to fulfill President Bush's request to demand Iraqi disarmament, verified by unfettered inspections, and to authorize the use of multinational force if Iraq refuses to comply.

If the UN refuses to act, then Congress would consider a request from the President to authorize acting alone against Iraq.

Let me be very clear on one point. The United States always has the authority to take military action in self-defense. That is our right under international law, included as Article 51 of the United Nations Charter, and I support that.

President Bush says he has not yet decided whether the use of military force is necessary, and I take him at his word.

The United States should first exhaust all diplomatic and other non-military means.

The United States should give the United Nations the opportunity to fulfill its responsibility to address the Iraqi threat.

The United States should fully pursue whether the UN Security Council will authorize the use of multinational force.

The Bush resolution, the White House resolution, would authorize the President to send our Armed Forces to war against Iraq without any further consideration by Congress.

Under the Levin resolution, which I cosponsored, Congress would remain in session, standing ready to promptly reconsider if the UN does not meet the challenge.

I have had to ask myself, 'Why should the Senate wait to see what the United Nations will do before deciding on the unilateral use of force?

The answer is this:

Voting now in support of unilateral action would take the international community off the hook.

Why would the other members of the United Nations Security Council make the tough decision to effectively authorize war against a member state if they know the U.S. will do it by ourselves?

I believe this resolution would actually weaken the negotiating position of the President and the Secretary of State at the United Nations.

Why would other nations send their troops into harm's way if America is ready to send our troops without them?

Why would other nations join us to rebuild Iraq after a war if Uncle Sam is willing to bear the financial burden, as well as the dangers?

I'm concerned about the prospect of America going it alone because I've thought about the risks and consequences.

The risks and consequences of acting alone are so much greater than they would be for multinational action.

The risks to our troops are greater if allied forces do not join the mission.

The challenge in post-conflict Iraq is greater if other nations do not share the burden and the cost.

The consequences for the war on terrorism are greater if we lose the essential cooperation of other nations in the effort to pursue al-Qaida and other terrorist groups. The consequences on our economy would be severe.

A mandate from the United Nations would mean the international community against Saddam instead of the United States against Iraq, and other countries in the region would join our coalition rather than obstructing or opposing us.

I recognize that I will likely be in the minority on this vote. The Senate and House of Representatives will probably grant the President the broad authority he now seeks.

I will vote differently than the majority, but I want my constituents, particularly our men and women in uniform, to know that I believe my vote represents the wisest, most prudent course with them in mind.

America's soldiers, sailors, airmen, and marines will always have my full and steadfast support. I stand accountable to the oath I took to defend the Constitution against all enemies, foreign and domestic. I hold myself accountable to my constituents, and I am prepared to defend this vote because I think when history is written, it would have been wiser not to give authority to go it alone right now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. SMITH of New Hampshire. I thank the Chair.

Madam President, I can recall 11 years ago—12 years ago actually—I made my maiden speech on the floor of the Senate. It was about Saddam Hussein and going to war with President Bush in office. Here we are 12 years later doing the same thing.

I rise today to again support the President in his duty, I believe, to stop Iraq from bringing weapons of mass destruction throughout the world. When I addressed this topic in January of 1991, I said then that there was a lot of talk about George Bush—President Bush 41—leading us into war. What I said then, and I will say now, is that was wrong. It is Saddam Hussein who is leading us into war. The same holds true today as it did 12 years ago.

Those voices against the Desert Storm operation, some of whom are repeating this same antiwar rhetoric today, are simply wrong. The warmonger is Saddam Hussein. He is now moving us toward another major military engagement with the stakes even higher than they were 12 years ago.

Unfortunately, Desert Storm did not finish the job. There has been some

criticism about that. Given the data and facts President Bush had at the time and with the U.N. resolution, he did what he had to do.

If we calculate the costs of air operations, no-fly zones, and other activities over these past 12 years, containment has not worked. In this age of weapons of mass destruction, relying on a policy of containment and deterrence is a risk we cannot and must not take.

I pulled out a copy of the speech I made in 1991. I do not know anyone in this body who wants war. I do not know anyone in America who wants war. I certainly do not. The President does not. Nobody wants war. Yet we heard today on the floor that President Bush is leading us into war, and that is wrong.

Thomas Paine, who is often quoted, over 200 years ago said: These are the times that try men's souls. This is the time that American service men and women are keenly aware of the enormous burden which the world events have placed upon us. I said that in 1991, and it is true today.

Unfortunately, Saddam Hussein is still with us. The stakes are high. We are in a virtual state of war now with Saddam Hussein and with Iraq, but it has not produced the necessary results. Saddam is again developing the potential to threaten us with weapons of mass destruction and with terrorist attacks.

This threat has to be met. It just simply has to be met head on. And the only answer is the overthrow of Saddam's regime one way or the other—domestically if possible, militarily if necessary. The stakes are simply too high not to do it.

I served in Vietnam. Others have served in war. We all know the stakes. If we do not do this, people may die. If we do this, people will die. Imagine the tremendous burden that is placed now upon the President of the United States.

Democracies do not threaten democracies, and democracies do not start wars. We would all be much safer nations if everybody believed the way we did, but that is not the way it is.

We have learned much in the wake of the vicious attack upon our country on September 11. Frankly, we were pretty much asleep. We were complacent. The terrorist attacks in Africa, the U.S.S. *Cole*, Khobar Towers, our barracks in Saudi Arabia—these losses were largely inflicted on our military and on our State Department personnel, but we were still largely oblivious to the risks we faced right here on American soil. We were not prepared for the devastation of 9/11 and the lives of nearly 3,000 innocent Americans lost. The total costs are immeasurable. Some say as much as a trillion dollars, but how about in the human loss? All the children orphaned, young people, men and women who were embarking on careers—what they might have contributed to America over the next several years we will never know.

What Saddam Hussein is doing has to be met. He is a threat to the people of the world. He is indeed a threat to the world. I know. I have seen enough intelligence on this over the past several years to know—not only to believe it but to know it. Weapons of mass destruction—nuclear, biological, and chemical, whatever they may be—can kill millions in insidious ways throughout the world. We simply cannot let this stand.

I know, having been there, the enormous burden felt by young men and women in uniform who will be there when and if this happens. They need our support. Have the debate, get the debate behind us, and get behind our men and women because they are going to have to do the work, and they deserve our support, unlike Vietnam when the troops did not get that support.

We need to find out where the links to al-Qaida are. They annihilate innocent people by virtue of their religious faith or their national identity. That is what they are doing. They will do it with terrorist bombs on their backs. They can do it with nuclear missiles or biological or chemical missiles as well.

If there are some in doubt, I urge them to go down to the Holocaust Museum and take a look and see what the cost of doing nothing is: 6 million innocent lives annihilated because we stood by as a world and let it go too long, and then we finally stopped it. We cannot let this go too long. Six million lives lost the way Hitler took them is horrible, and as despicable as it was, it is nothing compared to the number of lives that can be taken in more evil and despicable ways now.

Some say we should not take preemptive action. Preemptive action? There is already action taken against the United States of America. Remember the 3,000 people dead. This is not preemptive. We are reacting.

Our survival as a nation is at risk. Earlier this year in the wake of the unprecedented and vicious attack in the United States and world by al-Qaida, President Bush came before the American people in his State of the Union Address and unveiled his advocacy for regime change in Iraq.

That is a sound policy. And this is a terrible dilemma. How would you like to be the President of the United States today, sitting in the White House contemplating what has to be done? Criticized if you take action, criticized if you don't; risking death if you do, risking death if you don't.

There is no time in American history where a decision has been more important. There is no more important debate, ever, in my view, in American history where the stakes are higher than they are right now.

I am standing right now at the desk of Daniel Webster. He probably from this desk made some of the greatest speeches in the history of this body, but none of them, whether they were about slavery or all the great issues of the day of the 1830s and 1840s, even come close to the impact of what could happen by allowing this man, this despot, to move forward in the world unchecked.

We cannot rely on the United Nations, weapons inspectors, or Saddam's word that he is going to comply with inspections and disarm. I wish we could. Neville Chamberlain thought that about Hitler, didn't he?

Saddam Hussein's brutal dictatorship has reigned for 30 years. During these three decades, we have seen him attack Iran in a war that took a million lives; we have seen him repress, through murder and terror, ethnic and political elements in Iraq; We have seen him use weapons of mass destruction on 250 occasions against the civilian population. He had come close to producing a nuclear device before the gulf war and is successfully continuing these efforts despite several years of failed weapons inspections. He has breached international law. He has invaded Kuwait. He set oil wells on fire. He has threatened the stability of the world. He prompted the use of military force to contain him, and Saddam Hussein has tried to assassinate a former President of the United States of America.

He is a sponsor of Islamic terrorism throughout the world, and his regime has harbored the likes and established relations with Osama bin Laden's al-Qaida. What more evidence do we need to act?

This resolution also touches my heart in another way. This resolution makes very brief mention that Iraq has failed to account for an American serviceman. It might be a small matter compared to the big issue of war with Iraq, but Captain Speicher, who was shot down over Iraq, was the first pilot lost in the war. He was pronounced dead by the Pentagon, but there is no evidence that he is dead. The information was incorrect. His status changed in January 2001. I worked for 7 years to change that status and President Clinton, to his credit, prior to leaving office, changed that status. I give him great credit for that because he very well may be a prisoner held by Saddam Hussein today. In short, whether he is a prisoner or not, Saddam Hussein knows what happened to him. We do not. This is simply unacceptable.

By not seeking a regime change in Iraq, by not backing our policies with military force, by not dismantling Saddam's regime and weapons of mass destruction, I am concerned America will repeat its folly and give Saddam the breathing room to produce a nuclear device, proliferate it, threaten to use it, or use it. He will continue to support terrorism which devastated our Nation.

I supported the resolution on Iraq during the administration of President Bush 41, and I will support the resolution of this President Bush to give him the power to authorize the use of military force against Iraq.

I will close with a comment I made in my closing remarks in 1991:

Stand with the Commander in Chief. Have the courage to stand with him who was elected by all of the American people. Stand with him, and stand with our sons and daughters in the Persian Gulf. Do not give Saddam Hussein a reason to doubt our resolve. Stand together. Let us discard Saddam Hussein on the garbage heap of history along with the other despots like Khrushchev, Stalin, and Hitler. That is where he belongs, and that is where we are going to put him sooner or later.

Unfortunately, it is a little bit later than we expected. We need not fear. We are the greatest Nation in the world, with the greatest people, and I believe it is the right thing to confront this monster and do it now. That is why I will be supporting President Bush.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Washington is recognized for 30 minutes.

Ms. CANTWELL. Mr. President, I come to the floor today to discuss S.J. Res. 46, the Lieberman, Warner Bayh-McCain resolution, and the issue that everyone of my colleagues agree on—that Iraq is in serious violation of its U.S. and U.N. agreements prohibiting its possession of weapons of mass destruction.

What my colleagues cannot agree on is how we should go about disarming Iraq.

Let me add my views.

I believe that the best way to deal with the threat posed by Saddam Hussein is to build a multinational coalition and engage the United Nations.

But we can't ask the United Nations to disarm Saddam Hussein if we are not willing to disarm him ourselves.

Today's vote for S.J. Res. 46 is a statement of national resolve to disarm Saddam Hussein. By showing our unity as a nation, we help the United States unite the world against his continued effort to use weapons of mass destruction.

History has shown that we have been very patient with Saddam Hussein.

First, let us remember that the United States and 34 other nations were at war with Iraq in 1991.

After 3 months of war in which the U.S. coalition lost 556 lives and 502 wounded—including seven young men from my home State—not to mention the estimated 100,000 Iraqis killed—we negotiated a cease-fire agreement with Iraq that ended our military campaign.

This cease-fire was approved in return for Saddam Hussein's promise that he would unconditionally accept the destruction and removal of all biological, chemical and nuclear weapons and to allow U.N. inspectors to verify the elimination of these programs.

This cease-fire agreement was even signed by the Iraq government.

We staked lives, resources, and diplomatic weight on that promise, and yet here we are today because of the noncompliance of that issue.

If military action is eventually taken by a UN-backed effort or multinational US effort, that military action would not be a pre-emptive strike, but the enforcement of the Iraqi government cease fire agreement.

In fact, I would say we have been in a constant battle of enforcement for 11 years on this enforcement issue.

Shortly after the cease-fire agreement in 1991, Saddam Hussein started to thwart the cease fire agreement.

For 7 years, inspectors were sent to Iraq to verify his promise to disclose and destroy his cache of chemical, biological and nuclear weapons, and for 7 years Hussein obstructed the inspectors efforts.

Saddam Hussein did hide and inspectors did find weapons of mass destruction—literally tons of them—most of which were unaccounted for in the final reports'' and in clear breach of the cease-fire agreement.

Saddam Hussein even bugged the UNSCOM offices in Bahrain and New York, disguised weapons and hid them in various places. He leaked false intelligence and blatantly lied over, and as Sandra Mackey outlines in her book, ''The Reckoning, Iraq and the Legacy of Saddam Hussein,'' ''Hussein's tactical war of cheat and retreat with UN arms inspectors gave him power to remain a world figure and gain a hold over his own people.''

What has been our response and the response of the United Nations?

We have tried economic sanctions to get Iraq to comply with the disarmament agreement—and they have failed miserably.

It is the innocent Iraqi people that feel the effects of sanctions, including hunger and a lack of medical care.

Saddam Hussein not only continues to eat well—hoarding much of the aid and food imported into Iraq through the oil-for-food program—but he builds palaces, and he devotes substantial riches toward developing weapons of mass destruction.

We have tried sending a strong signal to the United Nations.

In 1994, I joined my colleagues in the House of Representatives in calling for the United Nations to take action on Iraq's noncompliance.

The House resolution went even further and urged the President and the United Nations to establish a tribunal to charge Saddam Hussein as a war criminal.

That vote showed a clear consensus eight years ago when members of the House agreed that Saddam Hussein was neither a legitimate ruler nor an honest actor in the ceasefire and UN agreements.

In 1998, we increased military pressure in the region and even conducted a military strike under President Clinton called Operation Desert Fox—hoping that the threat of force and the destruction of military installations would bring Hussein to reason and allow the inspectors back in.

While this limited military pressure produced some initial results, as soon as the United States turned down the heat Saddam Hussein went back to his old ways.

Where are we today.

For 11 years since our cease-fire agreement with Iraq we have tried to stop Iraq's effort to develop weapons of mass destruction.

In reality, our efforts have failed to stop his continued build-up of weapons of mass destruction.

The United Nations should never have allowed Saddam to negotiate the terms of inspections.

When he crossed the line in the sand that separated Iraq from Kuwait, Hussein demonstrated to the world his absolute disregard for international law; and his defiance of the will of the international community.

He also displayed, on a world platform, his utter disdain for the principles of human rights and a free society; and revealed to the world a frightening weapons capacity, including chemical and biological weapons and substantial progress towards developing a nuclear weapon—all of which he intended to use to advance his regional ambitions and threaten enemies.

Saddam Hussein is a global menace that we cannot simply wish away.

By doing nothing the world is not only failing to enforce the terms of a cease-fire that we fought for; but it is allowing a dangerous threat to grow that deserves renewed immediacy.

This immediacy was demonstrated 13 months ago, when we witnessed the devastating steps that terrorists were willing to take and we know that this problem is not going away; and Saddam only increases the danger.

Some citizens say there are other countries in the world producing weapons of mass destruction and could be a source of aid to terrorists. Why worry about Iraq?

I know of no other country that has posed such a unique threat by: Violating of US/UN cease-fire agreement to stop development of weapons of mass destruction; Using weapons of mass destruction in war or against its own people; and Refusing to help the U.S. in the Afghanistan war on terrorism and actually applauded the efforts of Al Quida of 9/11.

We are now considering a resolution that I believe will take a positive step towards effectively dealing with the threat of Saddam Hussein, his failure to comply with the terms of the 1991 ceasefire agreement.

The best way to do that is to bolster the President's and the U.S. efforts by sending a message to the U.N. Security Council that we must act. This vote tells the President of the United States we agree Saddam Hussein and his failure to comply with the cease-fire agreement constitutes a serious breach and a threat to global stability.

The vote tells the President we firmly support his promise to go to the United Nations Security Council and live up to the responsibilities to enforce a cease-fire agreement that Iraq has continued to try to subvert. This vote is a statement of national resolve that Saddam Hussein must be disarmed

by peaceful means, if necessary, but by showing our unity as a nation, that we, the United States, will help eliminate this threat and will unite the world behind it.

Some have called this unconditional authorization. That is not the case. Senators LIEBERMAN, WARNER, BAYH, and others have made great progress on this legislation. There are conditions. It requires a limited scope of operations in the Iraq theater, continued consultation with Congress on military action, and serious reporting requirements to inform Congress of the commencement progress and plans of both operations and postwar strategies.

I make clear this resolution does not endorse a unilateral action. If for some reason the U.N. Security Council does not act, I expect the President to make a major and aggressive diplomatic effort to enlist other partners around the globe in doing the right thing to stop Hussein's efforts. The President has promised Members of Congress, including the chairman of the Foreign Affairs Committee, that he would be committed to developing a coalition of allies for military action. We know how important these coalitions are. We expect the President to fulfill this promise.

My vote for this resolution does not mean I am convinced the administration has answered all the questions. In fact, I believe the following issues must be addressed—there are several—before the U.N. or the United States takes military action: First, it is clear we need a continued, multilateral approach. The President must continue to make the disarmament of Iraq a global issue. The rhetoric surrounding Iraq earlier this summer was unilateralist. It offended our allies and others who might have been with us. It brandished the view around the world that the United States is an arrogant power, and did serious damage to our relationship with many important powers in the Middle East region.

The President's September speech to the United Nations reflected a new chapter and much needed improvement in the administration's efforts to confront Saddam Hussein. He made clear that the priority of the administration was to mobilize an international effort to enforce the cease-fire.

Second, we must understand what our successful military strategy is. This vote is not an endorsement of the President's military strategy, mainly because we have not been given what it is. However, there is good reason to believe that this operation, which may require force to enter Baghdad, will prove substantially more complex and difficult and costly than Operation Desert Storm—not only in its economic cost, but most important, in the lives of soldiers and innocent Iraqi citizens. This is, indeed, a troubling scenario. And if the administration ultimately acts within the scope of this authorization, it must be up front and honest with Congress and the American people in explaining what we are up against.

Third, we must have a postwar commitment strategy. This vote is not an endorsement of the President's postwar scenario either, largely because I have not seen details on that. We have heard some broad outlines, if, in fact, action by the U.N. or U.S. troops were taken. But we need to realize the process of creating a peaceful and stable post-Saddam Iraq will be huge and expensive and politically volatile.

If the President does not commit to multilateral military action, we must similarly commit ourself to a serious long-term strategy to bring about freedom, representative democracy, and prosperity to the people of Iraq. This will require a substantial obligation and commitment.

Fourth, fighting the broader war on terrorism cannot be left behind. And while the President has made the point that this effort is related, we need to make sure if we commit troops to the Persian Gulf, that we will not be diminishing our other efforts on the war on terrorism.

Fifth, and probably the challenge that most of my colleagues have tried to address, maintaining the Middle East stability. I do remain very concerned about the effective military action and the volatile situation that may occur in the Middle East. The Israeli-Palestinian conflict remains in a disappointing and potentially volatile state. We must be aware that any action in Iraq and the possible extension to Israel poses a serious threat to the future peace in this region.

If the administration or the U.N. selects military action against Iraq within the scope of this resolution, we must work aggressively through diplomatic channels to ensure that such action is kept separate and distinct from the Israeli-Palestinian conflict.

And lastly, we must protect Iraqi civilians. We cannot diminish the serious concerns regarding the effective potential military action on that population. They have been the victims of a brutal, harsh and inhumane dictator who has not only stripped away their political liberty and free expression but also distributed to Iraqi populations economic deprivation, malnutrition, lack of medicine, and diverted billions of dollars into other programs.

If the President of the United States or the U.N. determines that we should move forward within the framework of this resolution and military action must be taken, it must be used as a last resort.

The President needs to take leadership and work with Congress to incorporate the issues I have just mentioned and come back to Congress and consult with them.

I take this vote very seriously. The men and women in the Armed Forces from Washington State may very well be called into action. Whether it be our troops at Fort Lewis, our refueling tankers flying out of Fairchild Air Force Base in Spokane, our cargo planes from McChord, our radio jammers or P–2 aircraft out of Whidbey Island, or even the men and women of the U.S.S. *Abraham Lincoln* who were recently in the Persian Gulf, or the thousands of men and women serving in Washington State—I hope our vote tonight with the President's multilateral effort will lead to a successful result where we would not need to use these personnel. But if we do, I know these men and women will be ready to meet the task with conviction, resolve, and professionalism.

I do not now, nor have I ever believed, that military action is our preferred method to address international conflict. But I have seen over the last 11 years, Saddam Hussein has consistently failed to live up to the 1991 cease-fire agreement, and his noncompliance is a dangerous failure that this body must address. This problem is not going away. If anything, it will grow increasingly more dangerous as Saddam Hussein increases his chemical, biological, and nuclear weapons stockpile.

There is no question that we are looking for a strong and effective response from the United Nations Security Council, and I believe this vote sends an important message to the United Nations Security Council and gives the President the domestic backing he needs to get that international support. By being serious, forceful, and resolute in expressing our dissatisfaction with Saddam Hussein for his continued noncompliance, I think we are charting the best course for an international response. We are taking action in this body tonight, and we want the international community to take action with us.

I yield the floor.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Chair recognizes the Senator from North Dakota for 30 minutes.

Mr. CONRAD. Mr. President, in a few moments we will make one of the most fateful decisions for our country. We will decide if we authorize the President to take this Nation to war. As with every momentous debate in this Chamber, our deliberations will resonate long into the future. Few decisions will have greater consequences to the people we represent and to the future of our Nation.

Before I ask young men and women to put themselves in harm's way, I must be convinced we have exhausted every other possibility, pursued every other avenue. For me, and I believe for the people I represent, war must be the last resort.

As we debate the course this Nation will take, some facts are clear and unassailable. Saddam Hussein is a menace to the whole region of the Middle East and a vicious tyrant who harms and oppresses his own people. He has waged war against neighboring nations, and he has attacked the people of his own country. He has acquired

chemical and biological weapons. He is attempting to acquire nuclear weapons and the means to deliver those weapons using ballistic missiles.

There is no question that Saddam Hussein is ignoring the will of the United Nations and that he has not honored the agreements he made following the Gulf War. Saddam Hussein is a dangerous force in the world.

I agree that we must take action. The question is, What course do we take? How do we best protect the national security of our country?

A decade ago in the gulf war, Saddam Hussein launched a surprise attack on Kuwait and we rallied a powerful international response to defeat him. Today, we debate a much different scenario. Saddam has not directly threatened his neighbors since the gulf war. In a recent threat assessment from the Central Intelligence Agency, it concludes that Iraq is not likely to initiate a chemical or biological attack on the United States. Yet the President is contemplating a preemptive invasion of Iraq with the goal of ousting Saddam Hussein and installing a new regime. Never before in the history of this Nation has the Congress voted to authorize a preemptive attack on a country that has not first attacked us or our allies.

Let me be clear. I do not oppose the use of force against this lawless and dangerous tyrant, but I cannot support the resolution before us as it stands. It is too broad and open-ended, and I do not believe it is in the national security interest of the United States. In my judgment, an invasion of Iraq at this time would make the United States less secure rather than more secure. It would make a dangerous world even more dangerous.

First, we have unfinished business with the terrorists of al-Qaida. For the past year we have all agreed that combating al-Qaida was our first priority. News reports just this morning warned us of the danger of renewed terrorist attacks against our country, organized and orchestrated by al-Qaida. I believe defeating the terrorists who launched the attacks on the United States last September 11 must be our first priority before we launch a new war on a new front. Yet today the President asks us to take action against Iraq as a first priority. I believe that has the priority wrong.

Second, a unilateral invasion could prompt the very attack we seek to preempt. In just the last few days, the CIA has reported that there is a very low probability Saddam Hussein would launch a biological or chemical attack against the United States or our interests in the region. However, if we launch a unilateral invasion, the risk rises dramatically that a desperate Saddam would use biological and chemical weapons.

Brent Scowcroft, National Security Adviser to former President Bush, wrote that in the wake of an invasion:

> Saddam would be likely to conclude he had nothing left to lose, leading him to unleash whatever weapons of mass destruction he possesses.

Third, an invasion of Iraq for the purposes of regime change would necessitate a march on Baghdad. Such a course would expose our forces on the ground to serious risks in hand-to-hand, street-by-street urban warfare in a foreign capital. We would lose much of our advantage in superior airpower and technology. The military and civilian casualties could be substantial.

The former Commander in Chief of the U.S. Central Command, retired Marine Corps General Joseph Hoar, testified before Congress:

> In urban warfare you could run through battalions a day at a time. All our advantages of command and control, technology, mobility . . . are in part given up.

Those are sobering words—battalions a day at a time.

Fourth, a unilateral attack by the United States could destabilize an already volatile and dangerous region and inflame anti-American interests around the globe. An American invasion could doubtless impact the Israeli-Palestinian conflict. The backlash in Arab nations could further energize and deepen anti-American sentiment. Al-Qaida and other terrorist groups could gain more willing suicide bombers and raise even greater financial resources from the wealthy nations of the region.

General Wesley Clark, the former Supreme Allied Commander, Europe, put it succinctly: ''If we go in unilaterally or without the full weight of the international organizations behind us, if we go in with a very sparse number of allies. . . . we're liable to super-charge recruiting for al Qaeda.'' Let me repeat that. ''We're liable to super-charge recruiting for al Qaeda.''

Fifth, if this nation asserts that preemptive military attacks are justified in this conflict, what are the consequences for other conflicts around the globe? Would India or Pakistan claim the same justification in Kashmir, raising the prospect of nuclear war in South Asia? Could China use this precedent to attack Taiwan, potentially drawing the U.S. into a major war with China? Could Russia use this justification to re-occupy parts of the former Soviet Union?

And sixth, while the financial costs of this effort should not drive this debate, we cannot ignore them. The Congressional Budget Office has just estimated that an invasion of Iraq could cost this nation $6 billion to $9 billion a month. That is a significant financial toll at any time, but particularly when we are still engaged in conflict in Afghanistan. The economic downturn makes the expense even harder to bear.

CBO estimates that the costs of an invasion plus a five-year occupation would reach some $272 billion. How will we pay for this? Does the White House propose new taxes? Or are we to assume that this will be paid for out of the Social Security trust funds? Will we go deeper and deeper into debt? Or does the President suggest cuts in key domestic programs, such as education, highways, or healthcare.

Which brings me to my final point. If our goal is to topple Saddam, what is our responsibility for the regime that follows:

Forming a new government in Iraq is far from simple. There is no clear successor to Saddam Hussein. Iraq is a country filled with competing ethnic groups and religious and tribal factions with no history of democracy.

I do not want to see our forces mired in a long occupation, in dangerous territory, in a destabilized region, subject to violence within Iraq. I do not want to see the United States responsible for the stability of Iraq, the economy of Iraq, and the political future of that nation.

I began by saying that while I do not oppose the use of force against this dictator, war must be our last resort. I believe history has important lessons for us.

Many other dangerous dictators have acquired weapons of mass destruction, or tried to. Yet we successfully contained the Soviet Union, Communist China, and North Korea and others without resorting to a pre-emptive first strike. Again and again, we have seen the scenario. A vicious dictator amasses weapons of mass destruction, threatens his neighbors, and threatens the United States.

Always in the past, we have chosen containment and deterence—not invasion. In the past, we have contained the dictator, rallied international support to isolate him, and together with our allies carried out a disciplined, forceful and effective strategy of deterrence. We did not launch an invasion.

Even when the Soviet Union placed nuclear missiles just 90 miles off our coastline, we did not invade. Rather, President John F. Kennedy issued an ultimatum—a successful ultimatum. We demanded the removal of those missiles. We succeeded, and we brought the world back from the brink of a nuclear conflict that might have engulfed the world.

Historian Arthur Schlesinger, Jr., recently asked: ''Why not . . . try the combination of containment and deterrence that won us the Cold War? Saddam is not likely to attack other countries. He knows that he would be playing into Bush's hands. Retaliation would be prompt and overwhelming, and Saddam has no interest in suicide. The one situation that might induce him to use his weaponry is a U.S. attack on Iraq.''

The historical lesson is clear. There are disciplined and forceful actions we can take against dictators and aggressors short of invasion, actions that can succeed.

Clearly, if Saddam Hussein were to attack this country—or if we had strong evidence that an attack on this country were imminent—we would have every right to defend ourselves. In that case, Saddam should have no

doubt that the United States would obliterate him.

If the President has new knowledge on an imminent threat from Iraq that contradicts the statement of his CIA Director just this week that an attack is unlikely, he should reveal it to this Congress. I believe in protecting our people and our allies from imminent danger. But I believe the President must present stronger evidence to the Congress and the American public before he reverses a strategy that has worked well against dictators around the world. Before this nation strikes first, strikes unilaterally, strikes preemptively, we must know how this threat is different from those that have come before.

Inaction and appeasement are not options. We must be prepared to use force to defend out national security interests, with or without the support of the UN. And I support the use of force against Iraq in the following circumstances.

We need no one's permission to fight back when attacked, and force would be fully justified in the case of an Iraqi attack against this country or our allies. Force would also be justified if we were presented with clear and compelling evidence Saddam was preparing an imminent attack on this nation, or on our allies.

Additionally, the use of force would be justified if we were provided with credible evidence that Saddam was linked to the September 11th attacks on this nation or if Saddam were to provide weapons of mass destruction to terrorists.

Finally, I believe we must be prepared to use force in concert with our allies to destroy, Iraq's weapons of mass destruction if Saddam refuses to comply with UN resolutions ordering him to disarm.

I support the use of force when it is in our national security interest. I voted for the Levin amendment to authorize the use of force to disarm Saddam Hussein and affirm our right to self defense. I also voted for the Durbin amendment to authorize the use of force to destroy Iraq's weapons of mass destruction.

For all the reasons I have cited, I believe an invasion of Iraq must be a last resort, not a first response. Instead, I believe we can and should take a phased approach.

First, we should exhaust every option available to us at the United Nations. Saddam has defied the U.N. in the past, but the growing U.S. and international pressure, and the imminent threat of military action may give the process new life. Further, our allies will be more willing to join with us if we exhaust every option at the U.N.

Next, we should make every attempt to forge the same strong coalition of nations that brought Saddam to his knees during the Gulf War. The knowledge that he is an outlaw in the eyes of the world community will send a powerful message to Saddam to comply with the U.N. resolutions he agreed to after the Gulf War.

I believe we should issue an ultimatum to Saddam to allow weapons inspections and immediately disarm. If he does not comply we can then take swift military action to force his compliance and deprive him of his weapons. But I do not believe we should authorize an invasion of Iraq tonight.

I know this vote will place me with a small minority of colleagues here, but I must vote my conscience.

I say to the President and to my colleagues that while I do not support this resolution, I know it will pass. And if the President exercises the authority it grants him to launch a unilateral invasion of Iraq, I will stand with him. I will do everything in my power to support our troops and ask for the support of our allies. Like every American on that day, I will pray for the safety of our soldiers in battle, the wisdom of our leaders, a swift victory, and the lasting peace that has so far eluded the troubled peoples of the region.

Mr. LEVIN. Mr. President, I would like to explain why I am voting against final passage of the Lieberman amendment. I have already explained much of my reasoning during the debate on my earlier amendment, but I wanted to state my opposition in one place.

Section 4 of the Lieberman amendment authorizes the President to use the Armed Forces of the United States, one, ''against the continuing threat posed by Iraq;'' and, two, to ''enforce all relevant United Nations Security Council Resolutions regarding Iraq.''

This grant of authority under (1) above, with its threshold of ''continuing threat,'' is virtually the issuance of a blank check to the President to use U.S. military force, since the Findings section of the amendment already contains the statement that ''Iraq poses a continuing threat to the national security of the United States.''

The only limitation on the President's authority is found in section 4 of the amendment which requires that the President submit his determination to the Congress, within 48 hours after he exercises such authority, that further diplomatic or other peaceful means alone will not protect our national security or is not likely to lead to enforcement of all relevant Security Council Resolutions and that exercising such authority is consistent with the continuation of the United States and other countries actions against international terrorism.

This grant of authority is also unacceptable since it empowers the President to initiate the use of U.S. military force although the threat against which it is used is not imminent. International law has required that there be an imminent threat before one initiates an attack under the rubric of self defense. The resolution's language regrettably, therefore, serves to implement the President's desire, as expressed in his September 2002 National Security Strategy, to ''adapt the concept of imminent threat to the capabilities and objectives of today's adversaries.'' This unfortunate precedent, if followed by, for example, nation A as a justification to use aggressive military force in the name of self-defense against nation B that nation A perceives poses a continuing threat to it, although the threat is not imminent, could lead to an increase in violence and aggression throughout the world. And it could have extraordinary consequences for the world if one or both of such nations possess nuclear weapons, such as India and Pakistan.

The grant of authority under (2) above, to enforce all relevant U.N. Security Council Resolutions regarding Iraq is also unacceptable. For instance, Iraq is presently in default on its obligations under relevant Security Council Resolutions that require it to return Kuwaiti archives and property. It is exceedingly unwise to provide such a broad grant of authority when the real threat that Iraq poses is because of its refusal to destroy its weapons of mass destruction and prohibited delivery systems.

The Lieberman amendment also sends the wrong message to the United Nations. It contradicts the thrust of the President's speech to the U.N. General Assembly on September 12 when he said ''We will work with the U.N. Security Council for the necessary resolutions'' and ''We want the United Nations to be effective, and respectful, and successful.'' That is so because, at the same time that Secretary of State Powell is trying to negotiate with the U.N. Security Council for the very resolution that the President said he wants, the Congress would be vesting extraordinary authority in the President of the United States to ''go it alone,'' to use U.S. military force whether or not the Security Council authorizes Members States to use military force to enforce its resolutions. By telling the Security Council, if you don't act, we will, we are letting them off the hook. We should, instead, as we did at the time of the Gulf War, be putting all of our focus on having the Security Council adopt the requisite resolution and committing forces to implement it. We should be working to unite the world community, not divide it.

Finally, and perhaps most importantly, the Lieberman amendment compounds all of these problems by authorizing the use of U.S. military force at this time unilaterally, i.e., without U.N. Security Council authorization. The unilateral, go-it-alone use of U.S. military force carries with it all of the risks that could be avoided or, at least, reduced by acting multilaterally, i.e., with the strength and world-wide political acceptance that flows from U.N. authorization. If we act unilaterally, will we be able to secure the use of airbases, supply bases, and overflight rights that we need; will there be a reduction in the international support we are receiving for the war on terrorism;

will it destabilize an already volatile region and undermine governments such as Jordan and Pakistan; will Saddam Hussein and his generals be more likely to use weapons of mass destruction against our forces and other nations in the region; will we be undercutting efforts to get other nations to help us with the expensive, lengthy task of stabilizing a post-Saddam Iraq? These are serious short- and long-term risks that will be exacerbated if we act unilaterally rather than multilaterally.

Accordingly, and for all of these reasons, I will cast my vote against final passage of the Lieberman amendment.

VOTE ON AMENDMENT NO. 4856, AS MODIFIED

The PRESIDING OFFICER. Under the unanimous consent agreement, the question now occurs on agreeing to amendment No. 4856, as modified.

The amendment (No. 4856), as modified, was agreed to.

Mrs. BOXER. Mr. President, in 1991, just prior to the Persian Gulf war, I was the author of legislation that would have allowed one parent of a dual military couple to receive a waiver from deployment to areas where combat is imminent.

I remain very concerned about this issue and fear that if the President decides to use force against Iraq, minor children may face a situation in which both parents are deployed. The Military Family Resource Center estimates that there are approximately 35,000 dual military couples with children serving in the military today.

According to the Department of Defense, request for combat exceptions can be submitted at any time and military personnel may apply for reassignment for humanitarian or compassionate reasons. However, there are no specific policies restricting both parents from being assigned to a war zone.

I hope the Senator from Virginia, the ranking member of the Armed Services Committee, will join me in urging the Secretary of Defense to do everything possible to see that dual military couples are not deployed concurrently to a war zone.

Mr. WARNER. I understand the Senator's concerns, and I believe that the Department of Defense is already very sensitive to this situation, as reflected in the assignment policies of the military services. I trust the Department will continue to make every reasonable effort, through existing practices and policies, to avoid situations in which both parents would be deployed to a combat zone.

I thank the Senator from California for once again focusing attention on this issue.

Mr. REID. Mr. President, this is an important issue that Senator BOXER has raised and that she has been concerned about for many years; that is, when both parents of minor children are in the military, the Secretary of Defense should make every effort to ensure that both parents are not deployed in combat at the same time.

If we do indeed go to war against Iraq, this is an important issue that needs to be addressed, and I thank the Senator from California for raising it.

Mr. SHELBY. Mr President, I rise today in support of the resolution authorizing the use of military force against Iraq.

I support this resolution because the threat posed by the brutal dictatorship of Saddam Hussein is real, immediate, and growing.

The threat is real because Saddam possesses conventional, chemical, and biological weapons. He also is doing everything in his power to acquire the means to construct and field nuclear weapons.

The threat is real because Saddam has used his conventional and chemical weapons to attack his neighbors and his own people.

The threat is real because Saddam has openly defied the world and has made no secret of his enmity toward the United States and our allies. Saddam even attempted to assassinate a former American President.

The threat is immediate and growing because Saddam has extensive and growing ties to terrorist organizations that have either attacked the United States or declared the United States to be a legitimate target of their twisted crusade that they call ''jihad.''

The threat is immediate and growing because Saddam has developed the ability to deliver his poisons and pestilence by unmanned aerial vehicles that can easily be smuggled into the United States.

The threat is immediate and growing because Saddam has circumvented the sanctions regime to such an extent that he is virtually unrestrained by resources in his pursuit of weapons of mass destruction.

Let me put this in a historical context.

Following its bloody war with Iran, Hussein's Iraq was heavily in debt. While continuing to spend billions on weapons of mass destruction and long-range missiles, Saddam, in 1990, invaded and plundered Kuwait in order to help pay his bills. With that act, he made it clear that his priority was to feed the war machine which kept him in power.

In 1991, Kuwait was liberated and the Persian Gulf war ended when Saddam Hussein committed to abide by U.N. Security Council resolutions. Since then, he has broken those commitments. He ignored U.N. weapons prohibitions and ruthlessly crushed rebellions of the Shia and the Kurds.

Today, he continues to violate U.N. resolutions, the very commitments he made to save his regime. His actions continue to impose terrible hardships on his own people. After a decade of sanctions, Saddams's unwillingness to relinquish his prohibited weapons programs continues to cost his country tens of billions of dollars.

There are those who believe that a new U.N. Security Council resolution and renewed inspections are the answer. In reality, inspections will accomplish little, delay the inevitable and provide Saddam with yet more time to field additional weapons of mass destruction.

U.N. Security Council Resolutions have required much of Saddam and produced very little.

Starting in April 1991, Resolution 687 requires Iraq to declare destroy, remove, or render harmless under U.N. or International Atomic Energy Agency supervision and not to use, develop, construct, or acquire all chemical and biological weapons, all ballistic missiles with ranges greater than 150 kilometers, and all nuclear weapons-usable material, including related material, equipment, and facilities. What has happened?

Saddam has refused to declare all parts of each WMD program, submitted several declarations as part of his aggressive efforts to deny and deceive inspectors, and ensured that certain elements of the program would remain concealed. The prohibition against developing delivery platforms with ranges greater than 150 km allowed Baghdad to research and develop shorter-range systems with applications for longer-range systems.

Additionally, the prohibition did not affect Iraqi efforts to convert full-size aircraft into unmanned aerial vehicles for use as potential WMD delivery systems with ranges far beyond 150 km.

Resolution 707 enacted in August 1991, requires Iraq to allow U.N. and International Atomic Energy Agency, IAEA, inspectors immediate and unrestricted access to any site they wish to inspect. it also demands that Iraq provide full, final, and complete disclosure of all aspects of its WMD programs; cease immediately any attempt to conceal, move, or destroy WMD-related material or equipment; allow UNSCOM and IAEA teams to use fixed-wing and helicopter flights throughout Iraq; and respond fully, completely, and promptly to any Special Commission questions or requests. What has happened?

In 1996, Saddam negotiated with the UNSCOM Executive Chairman modalities that it used to delay inspections, to restrict to four the number of inspectors allowed into any site Baghdad declared as ''sensitive,'' and to prohibit them from visiting altogether sites regarded as sovereign. These modalities gave Iraq leverage over individual inspections. Iraq eventually allowed larger numbers of inspectors into such sites but only after time consuming negotiations at each site.

Resolution 715 adopted in October 1991, requires Iraq to submit to long-term monitoring of Iraqi WMD programs by UNSCOM and IAEA; approved detailed plans called for in United Nations Security Council Resolutions 687 and 707 for long-term monitoring.

In reality, Iraq generally accommodated U.N. monitors at declared sites but obstructed access and manipulated the monitoring process.

Beginning in March 1996, Resolution 1051 established the Iraqi export and import monitoring system. This system requires U.N. members to provide IAEA and UNSCOM with information on materials exported to Iraq that may be applicable to WMD production, and requires Iraq to report imports of all dual-use items.

In reality, Iraq is negotiating contracts for the procurement, outside of U.N. controls, of dual-use items with WMD applications. The U.N. lacks the staff needed to conduct thorough inspections of goods at Iraq's borders and to monitor imports inside Iraq.

In June 1996 the following resolutions were adopted: Resolutions 1060, 1115, 1134, 1137, 1154, 1194, and 1205. These demand that Iraq cooperate with UNSCOM and allow inspection teams immediate, unconditional, and unrestricted access to facilities for inspection and access to Iraqi officials for interviews. U.N. Security Council Resolution 1137 condemns Saddam for his refusal to allow entry into Iraq of UNSCOM officials on the grounds of their nationality and for his threats to the safety of U.N. reconnaissance aircraft.

Throughout the inspection process in Iraq, Saddam consistently sought to impede and limit UNSCOM by blocking access to numerous facilities, sanitizing sites before the arrival of inspectors and routinely attempting to deny inspectors access to requested sites and individuals. At times, Saddam would promise compliance to avoid consequences, only to renege later.

Resolution 1154 enacted in March 1998, demands that Iraq comply with UNSCOM and IAEA inspections and endorses the Secretary General's memorandum of understanding with Iraq, providing for ''severest consequences'' if Iraq fails to comply.

Resolution 1194 adopted in September 1998, condemns Iraq's decision to suspend cooperation with UNSCOM and the IAEA.

Resolution 1205 adopted November 1998, condemns Iraq's decision to cease cooperation with UNSCOM.

These resolutions were meaningless without Iraqi compliance. Baghdad refused to work with UNSCOM and instead negotiated with the Secretary General, whom it believed would be more sympathetic to Iraq's needs.

Finally, in December 1999, Resolution 1284 established the United Nations Monitoring, Verification, and Inspection Commission, UNMOVIC, replacing UNSCOM. The resolution demanded that Iraq allow the commission's teams immediate, unconditional, and unrestricted access to any and all aspects of Iraq's WMD programs.

Iraq repeatedly has rejected the unrestricted return of U.N. arms inspectors and claims that it has satisfied all U.N. resolutions relevant to disarmament. Compared with UNSCOM, Resolution 1284 gives the UNMOVIC chairman less authority, gives the Security Council a greater role in defining key disarmament tasks, and requires that inspectors be full-time U.N. employees.

Saddam has manipulated the U.N. before, and if permitted, he will do it again. Right now, Saddam is ''shuffling the deck'' to hide his prohibited items in anticipation of the return of inspectors.

I believe that inspectors will not set foot in Iraq until Baghdad is ready for them. If they were to return, they would be starting from square one in a hostile and deceitful environment.

In a June 11, 2000 article, Charles Duelfer, the former deputy executive chairman for UNSCOM, noted that, ''. . . the attempt to disarm Iraq of its weapons of mass destruction was doomed from the start. This failure repeats the same mismatch between disarmament goals and disarmament mechanisms that frustrated efforts to disarm Germany . . .'' after the First World War.

In the Versailles Treaty of 1919, the victorious allies imposed disarmament obligations upon a defeated Germany. An international organization called the Inter-Allied Control Commission was created to implement those provisions. The Germans, however, were very adept at denial and deception. Consequently, Germany was able to preserve illicit armaments and weapons production. The Germans argued that the inspectors were too demanding and acted like spies. Does this rhetoric sound familiar?

The lessons of appeasement are not intended solely for history classrooms. These lessons are to be learned and where relevant, applied. Saddam Hussein's priorities have not changed and I do not believe that they ever will, so we must act before his alliance with terror finds it way to our shores.

Much has been said about how unprecedented it would be to engage in anticipatory self defense by taking military action against Iraq. In one respect, this is true: it is a step that our country has historically tended to shy away from taking.

But ''unprecedented'' is not the same thing as illegal or improper. Scholars have debated the idea of anticipatory self-defense for many years, and while there is no consensus upon its exact meaning, the idea is clearly not foreign to international law.

Under article 2 of the United Nations Charter, countries may not use the ''threat or use of force'' in a manner inconsistent with the purposes of the United Nations. Article 51 of the charter also recognizes that countries have an inherent right of both individual and collective self-defense.

Reading articles 2 and 51 together, it is clear to me that the right to self-defense can arise not only in response to the ''use'' of force but also in response to the threat of the use of force.

That this must be the case should be clear to anyone familiar with the dangers of the modern world. At some point in the past, it might have been possible to wait until an attack actually occurs before striking back. Today, however, such a rule would clearly be unworkable, so dangerously unworkable as to imperil the inherent right of self-defense in the first place.

Today, the proliferation of weapons of mass destruction make it madness to wait until one is attacked first. These basic military realities compel us to understand the idea of self-defense in response to a threat in broader ways than before.

To paraphrase U.S. Supreme Court Justice Robert Jackson, the law is not a suicide pact.

The law does not require us to wait for a biological weapon such as smallpox or a genetically engineered anthrax strain to be used to kill potentially millions of Americans before we have the right to attack the would-be user.

Especially in this age of modern transportation, biological weapons know no boundaries. From 1918 to 1919, the influenza pandemic killed between 20 and 40 million people worldwide. Today's biological weapons scientists have the capacity to cause even worse mayhem, not just to any single target country, but perhaps to everyone on the planet.

We have long recognized such principles in our domestic law. A policeman, for instance, need not wait for a criminal to actually shoot at him before he can use lethal force in self-defense.

The United States has been involved in Iraq for years in attempting to enforce the many Security Council resolutions violated by Iraq. Throughout this entire period, Iraq has continually fired upon our forces, and those of our allies, with conventional weapons.

Iraq has a large and expanding biological and chemical weapons program. And he is doing everything in his power to add nuclear weapons and long-range ballistic missiles to his arsenal.

The law does not require us to wait to be attached with the other weapons in Saddam's arsenal before completing the task the Security Council has set for ending the threat Iraq poses to international peace and security. The law does not require this, and our security, and that of other countries in the region, and around the world, does not permit it.

I will close with these final thoughts. There are those at home and abroad who criticize U.S. intent to take action. I remind them that the United States did not pick this conflict. The United States doe not want this fight, Saddam Hussein forced our hand by not complying with his obligations under the 1991 cease fire. He forced our hand by not complying with U.N. resolutions. He forced our hand by building alliances with terrorists.

We do not make this decision lightly, we are very aware of the potential costs of taking action, but we are much more aware of the costs of not taking action. As said by Edmond Burke, ''All that is necessary for the triumph of evil is that good men do nothing.''

I urge my colleagues to support this resolution.

Mr. DORGAN. Mr. President, I have decided that I will cast a vote tonight to authorize the President to use force if necessary to find and destroy any weapons of mass destruction under the control of Saddam Hussein in Iraq.

Some of my colleagues have expressed the ease with which they will vote to authorize the use of force. For me it has been very difficult.

When we cast a vote that could send our sons and daughters to war, it is deadly serious business. It requires us to ask tough questions and demand good answers.

And while I will vote to authorize the President to use force if necessary, I do so with reservation because I believe very strongly that force should be an option that is used only as a last resort, after all other diplomatic and peaceful means have been exhausted. And, if force is necessary , it ought to be carried out with a coalition of countries in whose interest it is to rid Iraq of weapons of mass destruction.

I want to stress that I would never have voted for the resolution in the form that the White House originally asked Congress to approve. That proposal asked Congress to give the President a blank check to use force, with or without the backing of other nations, not just to disarm Iraq, but also to deal with unspecified threats to American interests anywhere in the region.

However, the Joint Resolution that Congress will vote on tonight is fundamentally different from the one the President sent to us. It was narrowed substantially in scope through bipartisan negotiations.

First, this resolution focuses specifically on the threat posed by Iraq, instead of giving the President broad and unfocused authorization to take action in the region, as the Administration originally sought. Second, the resolution expresses the conviction that President Bush should continue to work through the United Nations to secure Iraq's compliance with U.N. resolutions. Third, this resolution makes it clear that the President must exhaust diplomatic and peaceful efforts before he can use force against Iraq. And fourth, this resolution protects the balance of power by requiring the President to comply with the War Powers Act.

I believe it is the right course to go to the United Nations, extract from the Security Council the tough new resolution requested by the President, and then coercively enforce that resolution with a coalition of countries who will not only bear the burden of fighting along side us if it is required, but who will also bear the expensive burden of occupation, peace keeping and nation building following any military action.

My fervent hope is that the Joint Resolution we pass tonight authorizing the President to use force if necessary to disarm Iraq will spur the United Nations Security Council to take similar action. And I hope that the action of Congress and the United Nations together will convince Saddam Hussein to allow complete and unfettered inspections and to cooperate in the elimination of any weapons of mass destruction that he still possesses.

With a backdrop of the September 11 terrorist attacks on the United States and the clear and present danger to our country of future terrorist attacks, coupled with the evidence that Saddam Hussein is aggressively trying to acquire nuclear weapons, I finally concluded that, if we err in this matter, we must err on the side of our national security interests. The stakes are too high, and the consequences too deadly to do otherwise.

The final point I will make about this resolution is that our confrontation with Iraq is dramatically different from our confrontation with any other ''rogue'' country. Saddam Hussein has consistently defied the terms of surrender to which he agreed at the end of the Gulf War in 1991. We know that he lied about his weapons of mass destruction and hid them from United Nations inspectors. We know that he secretly continued to produce chemical and biological agents. We know that he is still trying to acquire nuclear weapons.

I've been to the Incerlik Air Base in Turkey where American fighter pilots fly air cover over the Northern Iraq no-fly zone. I know firsthand that Iraq continues to fire on our pilots who are just doing what Saddam Hussein promised to allow under the terms of the Gulf War surrender.

I know there are some who say, ''well, let's not be so hasty. There's another way, let's explore other options.'' But the fact is we have worked for 10 years without success to force Iraq to comply with the terms of its surrender following the Gulf War. So, to those who say let's give them more time, I say this situation is unique. Iraq has had a decade to comply, and the tyrant who runs it has demonstrated that he has no intention of complying without the threat of the use of force.

I will vote for this resolution because I think that it is important that we unite behind our President to deal with the clear and present danger that Iraq poses to our national security. But I want to point out a few concerns about aspects of this administration's foreign policy which I consider to be very troubling.

Recently the Bush administration released a new 33-page National Security Policy document that has alarmed even our closest allies because it declares that it is America's new policy to maintain overwhelming military might and to use preemptive force whenever and wherever it suits our national interests.

Few would deny that the United States has the right to go after terrorists or rogue states preemptively if we are in serious danger of being attacked by a weapon of mass destruction. So what in the world was the administration thinking when it decided to release this document at the same time that our diplomats around the world are seeking the support of the international community for action against Saddam Hussein?

In my judgment, this is an example of the Bush administration's approach to foreign policy that has largely abandoned the successful strategies we've employed for decades to weld together alliances and coalitions of our allies to tackle the threats and challenges of an unstable world.

Another issue that relates to this debate is America's role in the international effort to stop the proliferation of nuclear weapons.

One of the centerpieces of the debate about the danger Iraq poses for the rest of the world is that Saddam Hussein might soon possess a nuclear weapon. I acknowledge the danger that would pose for the region and the rest of the world, but I want to ask those who are experiencing seizures over that prospect: where is their concern about the larger danger posed by the spread of nuclear weapons to other countries and to terrorists?

Year after year, and time after time those who now appear most alarmed about the prospect that Iraq would possess even one nuclear weapon, are the same people who are unwilling to exert U.S. leadership in the international effort to stop the proliferation of nuclear weapons.

For example, President Bush has appointed John Bolton to be the Assistant Secretary of State responsible for arms control even though Bolton's stated position is that he doesn't believe in arms control. This administration, and its supporters in Congress, have demonstrated a lack of interest in making any effort to stop the spread of nuclear weapons.

They oppose the Comprehensive Nuclear Test Ban Treaty even though a blue-ribbon panel of the National Academies of Science recently concluded that the treaty would significantly enhance U.S. security by slowing the spread of nuclear weapons.

And this administration and its supporters want to deploy a new generation of ''designer'' nuclear weapons that could be used like conventional weapons. Nothing would do more to undermine international efforts to stigmatize countries that aspire to become nuclear powers.

Perhaps now the prospect of a country like Iraq acquiring one nuclear weapon will convince the Bush administration that safeguarding the nuclear weapons that exist around the world, reducing nuclear stockpiles, and stopping the proliferation of nuclear weapons to other countries and to terrorists must be among this country's top priorities.

There are somewhere in the neighborhood of 25,000–30,000 nuclear weapons in the world today. A fair number of them are not very well controlled,

particularly in Russia, which has thousands of nuclear weapons in storage facilities that fall far short of American security standards. Russia also has enough highly enriched uranium and weapons-grade plutonium for 80,000 nuclear weapons. Much of it is poorly protected against theft or diversion.

One nuclear weapon in the wrong hands will make the devastating tragedy of 9/11 seem like a small incident by comparison. That is why this issue is so critical, and it is why I raise it now to point out the inconsistency of those who are pushing so hard to use force against Iraq but who are so unwilling to exhibit any muscle in dealing with the broader and potentially more devastating problem of the proliferation of nuclear weapons.

So I will vote for this Joint Resolution because I am convinced it is time for the United States to assume leadership in the effort to disarm Saddam Hussein and make Iraq live up to the commitments it made after the Gulf War. But I hope that President Bush will help prevent further Iraqs by stepping forward and exerting US leadership in the international effort to prevent the proliferation of nuclear weapons and other weapons of mass destruction.

Mr. EDWARDS. Mr. President, I am here to speak in support of the resolution before us, which I cosponsored. I believe we must vote for this resolution not because we want war, but because the national security of our country requires action. The prospect of using force to protect our security is the most difficult decision a Nation must ever make.

We all agree that this is not an easy decision. It carries many risks. If force proves necessary, it will also carry costs, certainly in resources, and perhaps in lives. After careful consideration, I believe that the risks of inaction are far greater than the risks of action.

Saddam Hussein's regime represents a grave threat to America and our allies, including our vital ally, Israel. For more than two decades, Saddam Hussein has sought weapons of mass destruction through every available means. We know that he has chemical and biological weapons. He has already used them against his neighbors and his own people, and is trying to build more. We know that he is doing everything he can to build nuclear weapons, and we know that each day he gets closer to achieving that goal.

Iraq has continued to seek nuclear weapons and develop its arsenal in defiance of the collective will of the international community, as expressed through the United Nations Security Council. It is violating the terms of the 1991 cease-fire that ended the Gulf war and as many as 16 Security Council resolutions, including 11 resolutions concerning Iraq's efforts to develop weapons of mass destruction.

By ignoring these resolutions, Saddam Hussein is undermining the credibility of the United Nations, openly violating international law, and making a mockery of the very idea of collective action that is so important to the United States and its allies.

We cannot allow Saddam Hussein to get nuclear weapons in violation of his own commitments, our commitments, and the world's commitments.

This resolution will send a clear message to Iraq and the world: America is united in its determination to eliminate forever the threat of Iraq's weapons of mass destruction.

The United States must do as much as possible to build a new United Nations Security Council coalition against Saddam Hussein.

Although the administration was far too slow to start this diplomatic process, squandering valuable time to bring nations to our side, I support its recent efforts to forge a new U.N. Security Council resolution to disarm Iraq.

If inspectors go back into Iraq, they should do so with parameters that are air-tight, water-tight, and Saddam-tight. They should be allowed to see what they want when they want, anytime, anywhere, without warning, and without delay.

Yet if the Security Council is prevented from supporting this new effort, then the United States must be prepared to act with as many allies as possible to address this threat.

We must achieve the central goal of disarming Iraq. Of course, the best outcome would be a peaceful resolution of this issue. No one here wants war. We all hope that Saddam Hussein meets his obligations to existing Security Council Resolutions and agrees to disarm, but after 11 years of watching Hussein play shell-games with his weapons programs, there is little reason to believe he has any intention to comply with an even tougher resolution. We cannot trust Saddam Hussein, and we would be irresponsible to do so.

That is why we must be prepared to use force, if necessary, to disarm Saddam Hussein, and eliminate Iraq's weapons of mass destruction once and for all.

Almost no one disagrees with these basic facts: that Saddam Hussein is a tyrant and a menace; that he has weapons of mass destruction and that he is doing everything in his power to get nuclear weapons; that he has supported terrorists; that he is a grave threat to the region, to vital allies like Israel, and to the United States; and that he is thwarting the will of the international community and undermining the United Nations' credibility.

Yet some question why Congress should act now to give the President the authority to act against Saddam Hussein's weapons of mass destruction.

I believe we should act now for two reasons: first, bipartisan congressional action on a strong, unambiguous resolution, like the one before us now, will strengthen America's hand as we seek support from the Security Council and seek to enlist the cooperation of our allies.

If the administration continues its strong, if belated, diplomacy, backed by the bipartisan resolve of the Congress, I believe the United States will succeed in rallying many allies to our side.

Second, strong domestic support and a broad international coalition will make it less likely that force would need to be used. Saddam Hussein has one last chance to adhere to his obligations and disarm, and his past behavior shows that the only chance he will comply is if he is threatened with force.

Of course, there is no guarantee that he will comply even if threatened by force, but we must try.

Others argue that if even our allies support us, we should not support this resolution because confronting Iraq now would undermine the long-term fight against terrorist groups like al-Qaida. Yet, I believe that this is not an either-or choice. Our national security requires us to do both, and we can.

The resolution before us today is significantly better than the one the president initially submitted. It is not a blank check. It contains several provisions that I and many of my colleagues have long argued were required.

First, it gives the administration the authority to use all necessary means to eliminate the threat posed by Saddam Hussein's weapons of mass destruction.

Second, it calls on the administration to do as much as possible to forge a new U.N. Security Council mandate, understanding that if new Security Council action proves impossible, the United States must be prepared to act with as many allies as will join us.

Third, it requires the administration to report to Congress on its plans to assist with Iraq's transition to democracy after Saddam Hussein is gone.

It is in America's national interest to help build an Iraq at peace with itself and its neighbors, because a democratic, tolerant and accountable Iraq will be a peaceful regional partner. Such an Iraq could serve as a model for the entire Arab world.

So far, we have not heard nearly enough from the administration about its plans for assisting the Iraqi people as they rebuild their lives and create a new, democratic government. The president has said that the U.S. will help, but he hasn't offered any details about how.

As we have learned in Afghanistan, this administration's words are not enough. This resolution will require the administration to move beyond its words and share with Congress, and the world, its concrete plans for how America will support a post-Saddam Iraq.

Finally, in taking this action, Congress must make clear that any actions against Iraq are part of a broader strategy to strengthen American security in the Middle East, and indeed around the world.

We must do more to support existing non-proliferation and disarmament

programs that can help prevent access to the weapons-grade materials that tyrants like Saddam Hussein want. We must demand America's active and continuous involvement in addressing the crisis between Israel and the Palestinians, and promoting democratization throughout the Arab world. We must commit to developing a national strategy for energy security, one that would reduce our reliance on the Middle East for such critical resources.

The decision we must make now is one a nation never seeks. Yet when confronted with a danger as great as Saddam Hussein, it is a decision we must make. America's security requires nothing less.

Mr. BAUCUS. Mr. President, I rise today to speak out on the issue of Iraq. This conceivably is one of the most important issues that we as a governing body will address in what remains of the 107th Congress.

Let me start by saying that Saddam Hussein is a dangerous man. As many of my colleagues have already pointed out, he has actively engaged in attacking Americans in the region. He has actively engaged in deploying chemical and biological weapons against his own people. He has participated in genocide against his own people. He has continually deceived U.N. weapons inspectors. He has failed to comply with U.N. resolutions to disarm his weapons of mass destruction. He was involved in an assassination attempt against former President George Bush senior. He has committed serious acts of aggression against his neighbors.

These are all acts of a man that cannot be trusted.

Back in 1998, the Senate passed the Iraqi Liberation Act that declared it should be the policy of the United States to seek to remove Saddam Hussein from power in Iraq and replace him with a democratic government. I supported this bill and believe that Saddam continues to be a detriment to his people. The Iraqi people deserve a chance to be free from a vicious dictator.

Our actions today go far beyond declaring Saddam a danger to his people and to the rest of the world. Our actions today will authorize the use of force in the case Saddam refuses once again to defy U.N. resolutions and disarm. Our actions today could send our sons and daughters to battle. And, our actions today, if not handled cautiously, could erupt into a conflict we as a nation are not prepared to address. This is not something we can take lightly.

Last week, a bipartisan group of Congressmen and Senators brokered an agreement with the President and produced a resolution that strikes a good balance between diplomacy and force. The resolution supports exhausting diplomatic means to disarm Saddam prior to engaging in the use of force. It also provides the President with adequate flexibility to do what needs to be done in the case that Saddam refuses to disarm. I have cosponsored this bipartisan agreement and believe that the focus of the resolution is appropriate.

I believe that a strong resolution is necessary to protect the American people from threats posed by Saddam Hussein. And while I believe we should strive to garner the support of the U.N. and our allies around the world, we must ensure that we don't limit our ability to act to protect American lives.

Mr. SMITH of Oregon. Mr. President, I have the privilege of serving in what was, for 30 years, Mark Hatfield's seat in the United States Senate. And as those who served with him know, no one is more dedicated to peace than Mark Hatfield. As I have thought about the question of going to war with Iraq, I find myself mindful of Senator Hatfield, and I am likewise committed to working for peace.

I am also very mindful of the Oregonians who have expressed to me their hopes and prayers for peace. And it is precisely because I want peace that I stand today to express my support for this resolution.

I believe in peace and diplomacy. These values have guided my service on the Senate Foreign Relations Committee. And rather than an immediate declaration of war, I strongly believe that this resolution is but one step in a continuing diplomatic process.

I have no doubt that Saddam Hussein presents an imminent threat to America, our freedom and our way of life. The proof lies in Baghdad. Over the last decade we have collected a considerable body of evidence that Hussein is amassing weapons of mass destruction, weapons that he has already used on his own people.

It is only with a heavy heart that any of us can reach the solemn conclusion that our young men and women may have to risk their lives in defense of our Nation. But the heavy weight of proof moves us now to prevent the loss of more American lives.

More than a decade ago, the United States led a coalition of nations against the tyrannical regime of Saddam Hussein. The United Nations resolutions that followed Saddam's surrender required Iraq, among other things, to halt its chemical, biological and nuclear weapons programs, account for POWs from the Gulf War, and cease its support for terrorism. Since that time, Saddam Hussein has continually and flagrantly violated the U.N.'s requirements. In less than 12 years, he has defied 16 Security Council resolutions and provoked at least 30 Council statements condemning these violations. He has exploited the goodwill of the international community, oppressed his people, devastated his nation and developed weapons of mass destruction.

Today, as it was then, we are called as Americans not simply to contribute to an international coalition, but to lead it. That obligation became all the more clear when last year's terrorist attacks ushered in an era when threats are more tangible, where civilians are at risk, and where deterrence no longer works. I believe the free nations of the world will again join us in the fight against tyranny, and I still hold out hope that the danger Iraq poses can be eliminated without war.

But today, we must choose whether to allow Saddam Hussein to continue threatening the civilized world or to disarm him. I believe we must choose the latter. We will first exhaust every peaceful means in our effort, but confront him we must.

Saddam Hussein has attacked Iran, Israel, Kuwait and Saudi Arabia. He recently called on the people of the Arab world to attack the United States and he is an avowed enemy of the democracy in the Middle East, Israel. He is a man who murdered his own people in chemical attacks and systematically attempted to destroy an ethnic minority in his nation. To believe that Saddam Hussein would hesitate to launch future attacks would be to turn a blind eye to a lethal mix of weapons of mass destruction and terrorists waiting to use them.

In addition to the arms we are certain he has, overwhelming evidence indicates that he continues to develop weapons of mass destruction with the full intention of using them. High level Iraqi defectors have provided similar evidence of biological and nuclear weapons programs, evidence that is substantiated by Saddam's actions. We know that he has sold $3 billion worth of oil illegally this year, money that is unaccounted for, while importing materials used in nuclear enrichment programs. All the while, he has called Iraq's nuclear scientists ''the salvation of his nation.''

On September 12, President Bush outlined these facts when he spoke to the United Nations. As he said then, Saddam is truly defying the U.N., not only the United States. The 16 resolutions Iraq has violated were not issued by the U.S. Congress, but by the U.N. Security Council, the highest body of international diplomacy. While few reasonable people would disagree that Saddam Hussein is dangerous and will attack America and its allies whenever it is possible, the President was correct in seeking international support for confronting Iraq.

Diplomacy and efforts toward peace are always preferable to war. But if war is unavoidable, it is best to have the backing of the world community. Immediately following the president's call to action, international support began to increase. And the president continues to build on that support. I believe that with the passage of this resolution we will see our allies join in lending our sons and daughters in seeking a peaceful regime in Iraq.

The United Nations now has the opportunity to prove itself to be an important world body. It is incumbent upon the U.N., and especially the Security Council, to ensure that if Saddam

Hussein fails to fulfill his most recent commitments to weapons inspectors, he does not do so with impunity.

I would like to conclude by telling you about a trip I made earlier this year, I traveled to Coos Bay, OR to attend the memorial service of a remarkable young man named Byran Bertrand. Bryan was a 23-year-old Marine who gave his life for his country when his C–130 crashed into a mountain near the Afghan-Pakistan border. The memorial service program included excerpts from the last letter that Bryan had send this parents.

In this letter he explained why he had turned down the opportunity to return to duty in the United States. ''You know me,'' wrote the former high school athlete, ''I always hated sitting on the bench.''

In those words, we can find our calling as a Nation. If Saddam Hussein does not comply with United Nations resolutions and if he continues to build and stockpile weapons of mass destruction, then America can no longer sit on the bench. We must take the heavy mantle of leadership to seek a peaceful regime change. This burden rests on the President, on the Congress, but more importantly, it rests on the people of the United States. For it is the American people, 3,000 of whom died on September 11, 2001, who are Saddam's targets. We are targets because ours is a Nation that is the beacon of liberty in the world. We must never forget that, and we must never take it for granted.

Mr. HARKIN. Mr. President, the debate here in this chamber is being held in community halls, meeting places and living rooms across America and across Iowa. Many Iowans have told me in recent weeks that going to war should be the last resort for our Nation and I agree with them.

Saddam Hussein is a brutal dictator, who has brought nothing but pain and suffering to the Iraqi people and threat and instability to his neighbors throughout the Persian Gulf and the Middle East. He invaded Iran before he invaded Kuwait. He has aided and abetted the suicide bombers. He is guilty of countless crimes against humanity. He has even used chemical weapons against men, women and children in his own country. I understand the grave danger posed to America and the whole international community by weapons of mass destruction in the hands of a reckless dictator like Saddam Hussein. Since the terrorist hijackings and anthrax attacks in America last year, which wantonly took the lives of more than 3,000 people, all Americans are rightly concerned about the safety of our homeland and united in supporting the brave men and women who defend us and the cause of freedom around the world.

While there is not definite evidence of prior close collaboration between the al-Qaeda criminals who attacked our nation last year and Saddam Hussein, there is no doubt they might find common cause in attacking us and our allies at any time. Simply put: it is clear to me that the current situation in Iraq is an on-going tragedy for the Iraqi people and an unacceptable menace for us, his neighbors, and the world. President Bush is to be commended for calling on the United Nations to confront this menace and Iraq's flagrant disregard of past Security Council Resolutions. It remains to be seen whether and how the UN Security Council will meet head-on the direct challenge posed by the continued failure of Saddam Hussein and the Government of Iraq to fully comply with 16 resolutions approved by the Council since 1991, including an ironclad requirement that Iraq destroy all of its biological and chemical weapons, dismantle its nuclear program, and submit to rigorous international inspections to verify its compliance.

But there is a right way and a wrong way to confront Saddam Hussein and to force him to relinquish all of the weapons of mass destruction at his disposal. Our policy, and certainly any fateful decision to actually go to war, must be made after careful deliberation and in full accordance with the U.S. Constitution and our Nation's laws. No President of either political party should be allowed to take our nation into war like the one that is now possible solely on his or her own authority. That is why last July Senator SPECTER and I were the first members of the Senate to introduce bipartisan legislation to require the Congress to debate and vote on a resolution to require the Congress to debate and vote on a resolution authorizing the use of force by American armed forces against Iraq before the President issued such an order. I think the President was right to provide additional information to the Congress and the American people and to put this issue before the Congress with the draft resolution of three weeks ago.

In my view, that first draft amounted to a blank check for the President to go to war with Iraq and other countries in the region, whenever he saw fit, and regardless of whether we had the backing of our allies inside and outside the region or in the international community. I have said that I could not have supported that resolution. It was too broad, too unqualified, and too far-reaching. I am glad that since then Republican and Democratic Senators across the political spectrum have recognized the need to narrow and improve upon the President's initial request. Senators BIDEN and LEVIN, Chairmen of the Senate Foreign Relations Committee and Armed Services Committee respectively, held essential hearings and formulated thoughtful legislative proposals. Their work reaffirms that the focus of U.S. policy should be to secure the disarmament of Iraq's weapons of mass destruction and the establishment of a new, effective international inspections regime to enforce that policy. Their careful approach also underscores the urgency and importance of maximizing our diplomatic efforts to secure the strongest possible U.N. Security Council resolution to force Saddam Hussein to relinquish his pursuit of weapons of mass destruction once and for all.

I also took to heart the President's statement in his address to the nation Monday night in which he said that the pending congressional resolution giving him the right to use force if necessary, ''does not mean that military action is imminent or unavoidable.'' That statement is consistent with the approach I believe in, which can maximize the strength of our coalition and the success of our policy. Accordingly, at this point in time, I believe the President and the Congress should be united and focused like a laser on getting the strongest possible, enforceable resolution through the U.N. Security Council. That is why I will vote for the Levin resolution and why I ultimately will vote for the Lieberman resolution, too, if that is the final choice. But I want to be very clear that in voting for these resolutions, this Senator is not voting for immediate war with Iraq. I am voting for them in order to give the President and Secretary of State Powell the maximum leverage to persuade the UN Security Council to promptly approve a new, tough, resolution that requires Iraq to immediately allow unconditional, unfettered inspections designed to secure the complete disarmament of Saddam Hussein's weapons of mass destruction. There should be clear consequences that follow from his failure to comply. And the UN inspectors should be given enough time to complete their work and to determine whether Iraq can be disarmed short of going to war.

I am concerned that if we immediately move to unilateral U.S. military action or in concert with only our British allies we will weaken our coalition efforts to wage and win the international fight against terrorism. This would also undermine international respect for the rule of law and the multilateral problem-solving institutions that America helped to create and which have served as the foundation for principled U.S. leadership in the world for 50 years and more. Indeed, I am concerned that precipitous U.S. military action against Iraq could result in our nation and world becoming less rather than more stable and secure. Under the terms of these resolutions, the President will be required to report to the Congress every 60 days on on-going diplomatic efforts at the UN Security Council and elsewhere to establish a tough new inspections regime and to force Saddam Hussein to destroy his weapons of mass destruction. At that time, we will have the opportunity to examine the issues again. Nobody knows for certain at this time, including the President of the United States, how best to compel Iraq to get rid of all of its weapons of mass destruction. But we do know, we all

agree, that war must be a last resort, not a first response. We must work with the international community as much as possible to find new and enforceable means to deal with the Iraqi danger in ways that make this a safe world.

Mr. MCCONNELL. Mr. President, the resolution authorizing the use of force against Iraq is before us.

We are being asked to decide some fundamental questions about the world in which we live. But more significantly, we are being asked to decide what kind of world we choose for our children.

Essentially, the question is this: Is the world going to be safer today, tomorrow and in the years ahead if the United States leads an effort to rid the world of not only Iraqi weapons of mass destruction, but of a ruthless terrorist-supporting despot as well?

Here is what we have learned.

There is agreement that Saddam Hussein is amassing weapons of mass destruction—chemical, biological, and even nuclear—but some continue to naively believe that diplomatic initiatives and weapon inspections must be given a chance to succeed. There is consensus that Iraq is a state sponsor of terrorism, but some believe that America should not act alone against Iraq and that an attack on Iraq will detract from our ongoing pursuit of al-Qaida. There is concurrence that Saddam Hussein is a mass murderer of Iraqi, Kurdish, Kuwaiti and Iranian men, women, and children, but some believe that Iraq poses no immediate threat to the American people or those in Saddam's backyard, including our allies.

My views on this issue could not be more clear: Our Commander in Chief has requested the authority to use force against Iraq to ''defend the national security of the United States against the continuing threat posed by Iraq'' and Congress must authorize it and must do so now.

Nine days after the al-Qaida attacks on our soil, President Bush promised Congress and the world that America would bring the war on terrorism to the terrorists wherever they may hide. He intends to do just that in Iraq. This Congress and our entire nation stood as one with President Bush following the September 11th attacks. A year later, we must continue to stand behind his outstanding leadership in combating terrorism around the globe. This war on terrorism will not end—it must not end—until terrorists and their supporters are destroyed.

Let me say to my colleagues who suggest that diplomatic initiatives and weapon inspections can prevent the coming conflict with Iraq to look at recent history. Saddam Hussein has violated each and every one of the 16 U.N. Security Council Resolutions pertaining to Iraq. His armed forces continue to fire on American and coalition aircraft in the no-fly zone. Al-Qaida terrorists continue to leave footprints on Iraqi soil. And Saddam Hussein and his henchmen continue to make billions of dollars by exploiting the U.N.'s oil for food program and through other illicit activities.

Although the regime recently proved that it can fool some embarrassingly naive visiting American lawmakers into believing its empty assurances of cooperation and compliance, they are not duping this Senator—or the President.

More importantly, the American people will not follow the lead of these modern-day Neville Chamberlains and allow the United States to be played for a fool. For it is only a fool who does not learn from past mistakes, and the world has ten years of Iraqi lies from which to learn. Speaking before the United Nations General Assembly a day after the anniversary of the September 11th attacks, President Bush challenged the United Nations to maintain its relevancy in a world challenged by terror:

> Iraq has answered a decade of U.N. demands with a decade of defiance. . . . [America] will work with the U.N. Security Council to meet our common challenge. If Iraq's regime defies us again, the world must move deliberately, decisively to hold Iraq to account. We will work with the U.N. Security Council for the necessary resolutions.

The fact is that President Bush is giving the United Nations and the international community a final chance to disarm Saddam Hussein through diplomatic means. But under no illusions of Saddam Hussein's violent and irrational character, the President has made clear that if reason fails, force will prevail. I am reminded of President Franklin Roosevelt insights into Nazi Germany and Adolph Hitler: ''No man can tame a tiger into a kitten by stroking it. There can be no appeasement with ruthlessness. There can be no reasoning with an incendiary bomb.''

Unfortunately, some of my colleagues seem to ignore this indisputable truth—and the fact that America is at war against global terrorists. Former Vice President Al Gore's recent attack on the President for his conduct of the war was ill-timed and ill-advised. A self proclaimed hawk, Mr. Gore alleged in a recent speech that in a single year, President Bush ''squandered the international outpouring of sympathy, goodwill, and solidarity that followed the attacks of September 11th and converted it into anger and apprehension aimed much more at the United States than at the terrorist network. . . . '' This is utter nonsense, and the American people are right to expect more from a former national leader.

Mr. Gore seems to have forgotten that in a single year the Bush administration liberated the people of Afghanistan from oppressive Taliban rule, destroyed and disrupted al-Qaida operations in South Asia and throughout the world, and bolstered homeland defense for the American people. If Mr. Gore belittles the victory in Afghanistan—against what he describes as a ''fifth rate military power''—why was it that his own administration failed to take decisive action to topple the Taliban and al-Qaida? One might surmise that they were too busy ''feeling pain'' to inflict any.

Mr. Gore's characterization of the pre-emptive use of force to prevent terrorist attacks as ''a troubling new element'' of U.S. foreign policy is similarly misguided. In the post-September 11th world, the Bush doctrine of pre-emption makes plain old common sense. Who among us disagrees that terrorists should be destroyed before they have a chance to again bring death and destruction on our family, friends, or neighbors? What do we say to the victims of a terrorist attack that we could have prevented—sorry, but Moscow, Paris, or Beijing objected to pre-emptive action?

The fact is that that America has the right and the responsibility to protect and defend its citizens against terrorism—be it from al Qaida terrorists or weapons of mass destruction in Iraq.

Let me also dispel the myth that military action against Iraq will detract from ongoing operations against al-Qaida. Secretary of Defense Donald Rumsfeld testified before Congress last month that ''. . . Iraq is part of the global war on terror. Stopping terrorist regimes from acquiring weapons of mass destruction is a key objective of that war. And we can fight all elements of the global war on terrorism simultaneously.''

We have no choice but to fight these threats simultaneously. Our nation is at war. Given Saddam Hussein's use of chemical and biological weapons against his own people and his neighbors, it is reckless to dismiss the immediacy of the threats posed by his regime to the United States. We already know that he is a mass murderer and that he is armed and dangerous—to treat him otherwise is folly.

Saddam Hussein is also a danger to the region. Those nations reluctant to confront him would be wise to take note of the British Government's assessment that Iraq is capable of deploying chemical and biological weapons within 45 minutes.

With Fort Campbell and the 101st Airborne Division in Kentucky, I understand firsthand what risks are posed to our military personnel by an attack on Iraq. Having fired the opening shots of Operation Desert Storm more than a decade ago, the Screaming Eagles are no strangers to that country. They—and the Special Forces soldiers of the 5th Group and the Night Stalkers of Task Force 160—are professionals, the best of best. America is fortunate to have such dedicated patriots serving on our front lines. We can be secure in the knowledge that if these troops return to the region, they will answer the call with the same determination and dedication as they did in 1991.

Let me conclude by saying that we did not ask for this war on terrorism.

But we will fight it and win it—on our terms and conditions.

Mrs. FEINSTEIN. Mr. President, I have come to the floor to state that, after much deliberation, I have decided to vote for the resolution introduced by Senators LIEBERMAN, WARNER, BAYH and MCCAIN.

In two prior floor statements, I have expressed my views. I serve as the senior Senator from California, representing 35 million people. That is a formidable task. People have weighed in by the tens of thousands. If I were just to cast a representative vote based on those who have voiced their opinions with my office—and with no other factors—I would have to vote against this resolution. But as a member of the Intelligence Committee, as someone who has read and discussed and studied the history of Iraq, the record of obfuscation and the terror Saddam Hussein has sown, one comes to the conclusion that he remains a consequential threat.

Although the ties between Saddam Hussein and al-Qaida are tenuous, there should be no question that his entire government is forged and held together by terror: The terror of secret police in station wagons on street corners watching; The terror forged through assassinations and brutal murders of anyone who disagrees with him; And yes even of his own family members.

While the distance between the United States and Iraq is great, Saddam Hussein's ability to use his chemical and biological weapons against us is not constrained by geography—it can be accomplished in a number of different ways—which is what makes this threat so real and persuasive. I supported the Levin amendment, which authorized use of force pursuant to U.N. Security Council action, because it was the strongest resolution supporting a multilateral effort. I believe a multilateral effort, through the United Nations, provides a strong moral imprimatur and as such is preferable to America's taking preemptive action that could have consequences tomorrow and years after that—consequences we cannot imagine or even begin to understand today.

The original resolution sent to Congress by the President would have authorized a broad and sweeping use of force whenever or wherever he deemed necessary—literally any place on earth. It would have authorized the newly promulgated national security strategy of unilateral preemptive use of force in the defense of the nation in the war on terror. The resolution before us does not grant such a sweeping use of force. Rather, the use of force is confined to Iraq and targeted toward forcing Iraq to comply with 16 Security Council resolutions passed in the wake of the Persian Gulf war in 1991.

Most importantly, I believe the Lieberman resolution becomes a catalyst to encourage prompt, forceful and effective action by the United Nations to compel this long sought-after and much-evaded disarmament of weapons of mass destruction. Disarming Iraq under Saddam Hussein is necessary and vital to the safety and security of America, the Persian Gulf and the Middle East—let there be no doubt about this. But the decision to cast this vote does not come lightly. I continue to have serious concerns that there are those in the administration who would seek to use this authorization for a unilateral, preemptive attack against Iraq. I believe this would be a terrible mistake.

But I am reassured by statements made by the President in his address to the United Nations on September 12, which conveyed a major shift in the administration's approach—turning away from a preemptive strategy and, instead, engaging and challenging the U.N. Security Council to compel Iraq's disarmament and back this with force. I deeply believe that it is vital for the U.N. Security Council to approve a new, robust resolution requiring full and unconditional access to search for and destroy all weapons of mass destruction. Unfortunately, the Security Council has not yet taken this action. Nor do we, at this time, know if they will.

If one believes Iraq is a real threat, and I do, and if the United Nations fails to act, then the only alternative is military action led by the United States. Ironically, this authorization of use of force may well prompt the Security Council to act. Because if they do not, the United Nations becomes a paper tiger unable to enforce its mandates and unwilling to meet the challenge of this new day of danger.

For the past 11 years, Saddam Hussein has prevaricated, manipulated, deceived and violated every agreement he has made to disarm. If the past is prologue, this record means that arms inspections, alone, will not force disarmament. The great danger is a nuclear one. If Saddam Hussein achieves nuclear capability, the risk increases exponentially and the balance of power shifts radically in a deeply menacing way. As I said on this floor in earlier remarks, I believe that Saddam Hussein rules by terror and has squirreled away stores of biological and chemical weapons. He has used them on Kurdish villages and in his invasion of Iran.

Evidence indicates that he is engaged in developing nuclear weapons. However, today the best authorities I could find indicate he does not yet have nuclear capability. But this is only a question of time. And we cannot let Saddam Hussein become a nuclear power.

And, so, it is my intention to vote yes on the resolution before us. I do so with the hope that the United Nations will rise to the challenge and with the trust that the administration forge a coalition rather than go it alone. And I do so with the fervent prayer that it will not be necessary to place America's fighting forces or innocent civilians anywhere in harm's way.

Ms. LANDRIEU. Mr. President, as Members of this body, there is no issue we face as grave and important as determining whether we should authorize force against Iraq that might place our men and women in uniform in mortal danger in order to protect the freedoms we cherish, and extend these freedoms to the people of Iraq, through the disarmament of a tyrant committed to harming his own people and the rest of the world. As a member of the Armed Services Committee, and as a citizen, I have given great consideration and thought to this course of action. Can I in good conscience authorize the use of force that could place someone's child, or my child, or someone's husband, wife, mother, or father in harm's way? Should the President commit troops to Iraq, American blood will certainly be shed. But, the authorization of force is recourse we must take.

For 11 years, Saddam Hussein has openly violated 16 U.N. resolutions calling on him to disarm; cease his production of weapons of mass destruction; and stop the ethnic cleansing of his own people. For 11 years, the people of Iraq have suffered. Furthermore, Saddam Hussein has made the world a much more dangerous place. His relish to produce chemical, biological, and nuclear weapons has only increased since the end of the Gulf War. Now, we have learned that he is harboring al-Qaida terrorists; strengthening his ties to al-Qaida; and financing terrorist organizations that promote suicide bomb attacks in Israel.

I am confident that the enactment of this resolution will give our President the tools he needs to bring the world community together to disarm this brutal tyrant through diplomacy. But, this resolution also gives the President authority to follow diplomacy with force, if necessary, to ensure that the threats Saddam Hussein brings to the world are neutralized.

The threat from Saddam Hussein's WMD programs is real and growing every day we fail to take action to disarm him. He has used WMD against his own people and his neighbors. We should not wonder whether he has any interest in using them against the U.S. or our allies.

As chair of the Emerging Threats and Capabilities Subcommittee, along with Senator ROBERTS, the Subcommittee held a hearing in February to investigate the status of his WMD programs since inspectors left and the threat those weapons could pose to the U.S. At that hearing, the Subcommittee was faced with the blunt findings that Saddam successfully hid weapons while U.N. inspectors were in Iraq. Moreover, there are no mechanisms in place to prohibit Iraq from ramping up its production of biological and chemical weapons, and its quest for nuclear weapons.

At the hearing, Anthony Cordesman, from the Center for Strategic and International Studies, stated Iraq admitted in 1995, ''that it had produced

30,000 liters of bulk biological agents. Iraq admitted it produced anthrax, botulinum toxins, and aflatoxins.'' We must remember it took only a few grams of Anthrax to throw the Senate and the East Coast of the U.S. into disarray. Worse yet, Iraq admitted it had affixed these biological agents to missile warheads and bombs.

Dr. Cordesman went on to say that UNSCOM believed Iraq had produced as much as 120,000 liters of biological weapons, not the 30,000 it admitted—enough to kill millions. Furthermore, UNSCOM has been out of Iraq for 4 years, yet UNSCOM stated that Iraq could reconstitute its biological weapons program within a matter of weeks after UNSCOM's departure. Imagine the destruction that could be caused by Saddam Hussein with his unchecked inventory of hundreds of thousands of liters of biological weapons. Again, he has the capability to injure or kill millions.

The Subcommittee also received testimony that Iraq has actively rebuilt its chemical weapons programs since UNSCOM was thrown out of Iraq. UNSCOM reported to the Security Council that Iraq withheld information related to Iraq's chemical weapons program. UNSCOM uncovered only a small portion of Iraq's chemical weapons. In fact, Iraq confiscated information gathered by UNSCOM regarding Iraq's chemical weapons, so the information could not be transmitted to the Security Council. Iraq also told UNSCOM Iraq had not armed missiles with VX gas—one of the deadliest of nerve agents. Yet, in 1998, UNSCOM discovered missiles tipped with VX. Soon after, UNSCOM was told to leave Iraq and Iraq has resumed chemical weapons production. It takes only 10 milligrams of VX to kill a person. A wine bottle full of VX could kill at least 75 people. We must find out how much VX Saddam has, and destroy it.

Moreover, Saddam Hussein is devoting much of his defense budget to becoming a nuclear power. After the Gulf War, we learned from the U.N. weapons inspectors that Iraq was within 1 year of developing nuclear weapons. Prior to the war, we thought Iraq was 5 to 7 years away. Since 1998, we cannot say with any certainty that we know the status of Iraq's nuclear program. Once again, Saddam could be less than a year away from a nuclear bomb. The world must know how close he is, and he must stop his nuclear development. Once he develops a nuclear program, we will never be able to shut it down.

For these reasons, we cannot take our time in passing this resolution. We must act now. Saddam Hussein has shown, on numerous occasions, his willingness to use WMD to attack his countrymen and his neighbors. He has killed 20,000 Iraqis in 40 villages with WMD. As President Bush said two nights ago, ''Saddam Hussein is a homicidal dictator who is addicted to weapons of mass destruction.''

I want to read from Charles Duelfer's testimony before the Emerging Threats and Capabilities Subcommittee's hearing on Iraq's WMD programs on February 27, 2002. Mr. Duelfer was the Deputy Executive Chairman of UNSCOM. He said that it is inconceivable that Iraq did not resume its WMD programs after UNSCOM left. Mr. Duelfer said it is difficult ''to imagine circumstances under which this regime would end these programs'' of WMD because . . . ''the regime in Baghdad will devote full resources to its weapons programs . . . This has not changed even under sanctions . . . The regime seeks to dominate the region . . . The use of force comes naturally'' to Saddam Hussein. WMD are his tools to dominate the region. If we wait to pass this resolution, Saddam will only continue to enlarge his WMD program; threaten the Middle East; and then threaten the U.S. He will never end his programs unless the world reins down on him to eliminate his tremendous capacity for killing.

This resolution is the proper tool to give the Administration a firm hand in negotiating with the world to disarm Saddam Hussein and eliminate his capacity to kill. We should pass the Lieberman-McCain Resolution immediately and overwhelmingly to show the world we are united. We must not tie the President's hands and the hands of Secretary Powell to negotiate a new Security Council Resolution that calls for the disarmament of Iraq—and the threat of force against Iraq if Saddam does not abide by the resolution. We can bring the Security Council on board if we can show them the United States stands together to disarm Saddam Hussein. If this body is divided, the U.N., and especially Saddam Hussein, will pay us no mind.

The best outcome is a new Security Council resolution that calls for unfettered inspections throughout Iraq, including Saddam's presidential palaces; the disarmament of all WMD; and the threat of force should Saddam Hussein not comply. That outcome has a better chance of becoming a reality if we pass this resolution.

The new U.N. resolution the President and Secretary Powell seek is our best chance to avoid a war. But the threat of force must be present to enforce a new resolution because Saddam only understands force. Again, Charles Duelfer testified before the Iraqis were perfectly willing to thumb their nose at UNSCOM because the U.N. had not authorized force to make Iraq comply.

Iraq's Deputy Foreign Minister, Tariq Aziz, regularly told Mr. Duelfer, ''You are not General MacArthur (referring to MacArthur's occupation/disarmament of the Japanese) . . . Therefore, there are limits to what you can do.'' What Aziz meant was you have no authorized force; you have no army with you to make us show you what we have and where it is. A new resolution will only work if the threat of force lurks behind any Iraqi failure to obey.

This resolution is also a narrowly tailored authorization of force. It seeks peace before war to enforce past and future U.N. resolutions against Iraq. This resolution does not give the President carte blanche to use force throughout the Middle East for any reason. Force is only authorized to bring Iraq into compliance with U.N. resolutions—so that Iraq disarms its WMD; ceases production of WMD; does not threaten its neighbors, and does not repress and commit atrocities against its citizens with WMD.

This resolution correctly authorizes force for the violation of all 16 U.N. resolutions, because Saddam's crimes against humanity should concern America as much as his WMD capabilities.

America has been a tremendous defender of human rights. But, at times, we have not always defended the victims of ruthless dictators.

In Rwanda, 800,000 Rwandans were slaughtered in 12 months, yet America did nothing to stop the ethnic cleansing. America's failure to act in Rwanda could be the lowest point in American history. We should not make the same mistake by turning a blind eye to the Kurds and Shiites Saddam has tortured for years. Any resolution to dismantle his WMD must also call for him to end ethnic cleansing in Iraq.

In 1944, two Jews who escaped Auschwitz—and revealed the horrors of concentration camps to the world—asked the U.S. War Department and the War Refugee Board to bomb train tracks leading to Auschwitz so no more Jews could be brought there. U.S. bombers were already bombing fuel dumps near Auschwitz. Yet the War Refugee Board refused this simple request. John McCloy, the head of the Refugee Board, denied the request. He stated the operation did ''not warrant the use of our resources.'' How could saving lives not warrant the use of American resources? As a result, between 500,000 and 800,000 Jews died at Auschwitz in the final year of WWII. These lives could have been saved, but we did not make it a priority.

We shouldn't now say that human rights are not worthy of U.S. and international diplomacy. We should not say that we are unwilling to disarm a dictator who brutalizes his people. If we do, we will have failed the world, again.

Fortunately, I think this body and the American people do care about human rights. We stood up for human rights in Kosovo. We used force against a sovereign leader, Milosevic, who was committed to the genocide of ethnic Albanians. Through American force, Milosevic was removed from power and indicted for numerous war crimes. We did the right thing for an oppressed people. And, I must remind you President Clinton did not seek Congressional authorization to use force in Kosovo. Today, unlike in Kosovo, the President does seek Congressional approval for force in an effort to seek a unified American front to disarm another leader threatening his people and the world.

But, I must say, again, that force is a last option under this resolution. The

resolution requires the president not to use force until he presents his determination to Congress that diplomacy is no longer an option. This resolution is not a call to arms. The President will not roll tanks into Iraq as soon as we pass the Lieberman-McCain resolution. As the President said on Monday, ''War is neither desirable nor inevitable.'' War can be avoided.

The President will seek Security Council support and support from other allies to bring about a diplomatic answer to disarm Saddam Hussein. I have no doubt that the President's first hope is to neutralize the Iraqi threat without invading Iraq.

But, if a Security Council resolution cannot be achieved and Saddam continues to jeopardize the livelihood of Americans—or if Saddam violates any future resolution—the President should have the authority to use force. Because his most important job as Commander in Chief is to keep the American people safe from a tyrant.

In conclusion, I want to, once again, reiterate my support for the Lieberman-McCain resolution. As a co-sponsor, this resolution is America's best effort to stand united to show the world, and especially Saddam Hussein, that we are committed to disarm Iraq's weapons of mass destruction, which are a clear and present danger to America and the world. Hopefully, this can be accomplished diplomatically with the world-wide support. But, this resolution also sends a clear signal that we are willing to use force to change Iraq's ways if Iraq continues to threaten the U.S.; if Iraq disobeys a new Security Council resolution; or if the President determines all diplomatic efforts have been exhausted. At that time, force may be necessary for America to defend herself. This resolution is the proper mix of diplomacy and force. As President Kennedy said, ''Either alone, will fail.'' I hope the Senate will pass this resolution overwhelmingly to show solidarity and resolve to our friends and our enemies.

Mr. SANTORUM. Mr. President, I rise tonight to address the important resolution pending before the Senate concerning the authority to use military force against the Republic of Iraq. I firmly believe that this resolution we are debating will strengthen the hand of President Bush and the international community in forcing Saddam Hussein to disarm and to ensure his compliance with all relevant United Nations Security Council resolutions.

I believe President Bush will do everything possible before deciding to commit U.S. military forces against Saddam Hussein's regime. The President has not decided to employ military force, nor does this resolution demand that he do so. Rather, the resolution signals to the President that Congress stands behind his decision to employ military force if Saddam Hussein fails to disarm or abide by all relevant United Nations Security Council resolutions.

When he addressed the United Nations on September 12, 2002, President Bush convincingly and accurately presented the case against Saddam Hussein and his flouting of international norms and agreements. President Bush rightly called attention to Saddam Hussein's abysmal track record on complying with the terms of disarmament he accepted at the conclusion of the Persian Gulf war. In so doing, President Bush bucked current international attitudes that would prefer that we not call attention to his regime's activities.

Ever since the conclusion of the Persian Gulf war, we have seen Saddam behave with contempt towards those countries that see value in the United Nations resolutions and that ultimately seek a peaceful and stable Middle East. For more than 10 years, the world looked the other way and ignored the problem with the hope that Saddam Hussein and his regime would go away. Regretfully, Saddam Hussein has displayed remarkable staying power and a powerful appetite for acquiring weapons of mass destruction.

I commend President Bush for seeking congressional authorization for possible military action against Iraq and for consulting with Congress on the drafting of a truly bipartisan resolution. In response to those who condemn the United States for displaying ''unilateralism,'' President Bush took his case to the United Nations and forced the world to acknowledge the realities of the Iraqi transgressions. The President is also right to seek a United Nations Security Council resolution authorizing a return of weapons inspectors to Iraq. These inspectors must have unfettered access to suspected weapons sites in Iraq. There can be no conditions or dickering over Iraq's national sovereignty. Saddam Hussein lost a war he initiated, he sued for peace, and he needs to accept the terms and conditions he pledged to honor. To expect anything less would be to condone his transgressions.

The President is being practical by raising the ''what if'' element to the debate. History has shown Saddam will go to elaborate measures to conceal and elude efforts to uncover his weapons of mass destruction capabilities and development efforts. It is only prudent that the U.S. Congress and all members of the U.N. Security Council consider authorizing measures to force Iraq's compliance with efforts to ensure disarmament. Earlier today, the House of Representatives passed this same resolution on a vote of 296 to 133, and I firmly believe that overwhelming bicameral approval of this resolution will strengthen the hand of the President in securing the strongest possible United Nations Security Council resolution.

In plain terms, the threat posed by Saddam Hussein is analogous to the threat posed by a drunk driver. The drunk driver is a threat to all on and in close proximity to the road. Behind the wheel of a rolling weapon, it is only a matter of time before the drunk driver crashes into another car, kills an innocent bystander or causes immense damage to someone's personal property. Saddam is this drunk driver careening along the road, a threat to all those innocents who have the misfortune to cross his path. It is time to get Saddam off the road before he can kill or injure innocents who cross his path.

For those who are critical of discussion or references to ''regime change,'' I call to your attention section 3 of the Iraq Liberation Act of 1998, P.L. 105–338. Section 3 of the act states: ''It should be the policy of the United States 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.'' Through this provision, Congress has already expressed its views on this subject. I applaud the efforts of the Bush administration to engage Iraqi opponents of Saddam Hussein and to work with these groups to provide a democratic alternative to this tyrant.

The United States has a strong record of restoring order and cultivating democracy in post-conflict regions of the globe. Examples such as post-World War II Germany and Japan are stellar illustrations of how the U.S. has worked to better defeated nations that strayed from the norms and rules of acceptable international behavior. In addition, unlike Afghanistan, Iraq is a wealthy nation with natural resources, an educated populace and a middle class—all elements that will bolster the chances of democracy thriving in this country. There is no reason to expect that with a concerted effort by the U.S. and other democratic nations that Iraq cannot join Israel as the only other Middle Eastern democracy.

But perhaps most important, benign neglect is not morally acceptable. Looking the other way will not and cannot improve the situation in Iraq and the threat Saddam Hussein poses to the world. There is a parallel between today's situation and the situation that confronted the civilized Western World of the 1930s. In that era, democratic leaders sought to appease the ambitions of Adolph Hitler and the Third Reich. World War II, the Holocaust and millions of military and civilian casualties are the outcome of that deferral of action.

President Bush's effort to compel compliance with applicable U.N. Security Council resolutions is our best chance for peaceful disarmament. Not one speaker here in the Senate has indicated that the status quo is acceptable or reasonable. It is painfully clear that one way or another we—preferably the U.S. in concert with our allies and the support of the United Nations—must deal with Saddam and his threat to our interests, our allies' interests, the stability of the Middle East and the interests of the civilized world.

In conclusion, given the events of September 11th, given the past transgressions of Saddam Hussein, and given the threat posed to the world by his weapons of mass destruction programs, it is imperative that we provide President Bush with the strongest hand possible to seek compliance with all applicable U.N. Security Council resolutions. The attacks of September 11th and the fateful decisions not taken in the 1930s illustrate that there is a cost to not taking corrective action in a prompt and decisive fashion.

It is my sincere hope that this resolution will rally the United Nations Security Council to draft a strong resolution forcing the disarmament of Saddam Hussein and his regime of terror. If the U.N. fails to act, the U.S. must do what is in the best interest of our national security interests and disarm Saddam Hussein. Today represents our best opportunity for peaceful disarmament disarmament on our terms and according to standards established by the U.N. and other civilized nations. To do or expect anything less is to shirk our moral obligation to meet the national security obligations of our country.

It is for this reason that I will vote in favor of the bipartisan resolution which is before us now.

Mr. MURKOWSKI. Mr. President, we have a dilemma where we recognize that one individual, who has repeatedly defied the will of the international community, almost certainly has control over a concentration of weapons of mass destruction.

We have already seen this individual's willingness to use these weapons against his own people and against Iranian forces during the Iran-Iraq war.

So the question is, is it inevitable that sooner or later Saddam Hussein will again use weapons of mass destruction, and if so, against whom?

There is concern that if the United States and her allies use force against Iraq, Saddam will attempt to use his weapons of mass destruction in order to remain in power. It is a legitimate concern and one that must not be taken lightly.

But I ask my colleagues, if we are hesitant now, how hesitant will we be when Saddam Hussein possesses a nuclear capability? And what will Saddam do when he knows we are unwilling to take action?

We have seen Saddam's willingness to invade his neighbors—Iran and Kuwait. How much farther would Saddam have gone had he not been stopped by U.S.-led coalition forces?

In 1981, Israeli aircraft destroyed an Iraqi military reactor capable of producing nuclear weapons in a surprise, preemptive strike. Israel faced tremendous criticism from the world, but a decade later, during the gulf war, allied forces did not face a nuclear weapon capability from Iraq.

Last month, Secretary Rumsfeld testified before the Senate Armed Forces Committee that prior to Operation Desert Storm, the best intelligence estimates were that Iraq was at least 5 to 7 years away from having nuclear weapons. Yet, when coalition forces entered Iraq, we found that Iraq was 6 months to one year away, not 5 to 7 years.

How close is Saddam today from acquiring nuclear weapons capability? We don't know. We have not been able to place weapons inspectors in Iraq since 1998. Recent reports indicate one to five years, but just like 1991, we don't know for sure.

We do know that Saddam Hussein has developed weapons of mass destruction—weapons such as anthrax, VX, sarin and mustard gas. Are these weapons a country would use to defend itself? Or are these the weapons of an aggressor that would go to whatever means necessary to prevail?

And let's not forget about the threat of proliferation—the threat of Saddam sharing these weapons with like minded terrorist organizations who would not hesitate to use them against the United States and our allies.

Had we known in advance the tragic events of September 11, 2001, there is no doubt that the United States would have taken preemptive action against the al-Qaida terrorist network.

Every month, every year that Saddam Hussein remains in defiance of U.N. Security Council resolutions, we face an even larger, more deadly threat to the security of this great nation. As the President has said, to ignore these threats is to encourage them.

I am hopeful that the use of military action will not be necessary. That Saddam Hussein will fulfill the requirements of the United Nations Security Council. That he will allow full and unobstructed access to U.N. weapons inspectors to destroy all of Iraq's weapons of mass destruction. But past history does not give much cause for hope.

In the 11 years since the Persian Gulf War, Saddam Hussein has blatantly ignored 16 U.N. Security Council Resolutions calling for the total destruction of Iraq's weapons of mass destruction. Eleven years; 16 Resolutions.

This is not a game. We are currently in a limited war with Iraq. So far in 2002, Iraq has fired on Allied fighter planes 409 times, 14 times this past weekend alone. Iraqi forces have fired anti-aircraft artillery 1,000 times, launched 600 rockets and fired nearly 60 surface-to-air missiles. Since Iraq set a letter accepting the return of weapons inspectors on September 16, they have fired on Allied forces 70 times.

The time for appeasement is over. We have seen the policy of appeasement prove ineffectual in the past. The League of Nations was unable to stop Germany from rearming itself and threatening her neighbors. Its policy of appeasement only served to advance Hitler's ambitions.

The United Nations now finds itself in a similar situation. It can choose to either enforce its own resolutions passed by the Security Council, or find itself irrelevant in the view of the world.

The U.N. Security Council is expected to soon take up its 17th resolution regarding Iraq. They deserve to hear, not just from the President of the United States, but the Congress of the United States as well.

We can wait. We can react after the fact. But at what point do we act? When do we recognize that Saddam is a threat, that he does train al-Qaida, that he does fund the terrorists? At a certain point in time, we have to face reality.

What if we left this session of the Congress without authorizing the President to take the appropriate action needed to defend the national security of the United States against the threat posed by Iraq?

How would we feel if—God forbid—Saddam was to take action and take American lives? We would feel we had been derelict in our obligation.

We have an obligation to provide for the security of the people of the United States. Do we follow a policy of appeasement?

Allowing Saddam Hussein to continue to build his weapons of mass destruction?

To continue to play a cat and mouse game of allowing weapons inspectors in, only to place conditions on their actions?

To continue to defy the international community, without fear of reprisal?

To take the chance that those terrorist networks that Saddam supports will not take action against the United States—with Saddam's weapons of mass destruction?

It is oil that built Iraq and it is oil dollars that keep Saddam in power.

Oil dollars fund the weapons, the research, and the training camps for terrorists that give Saddam a global reach.

Do we continue to import hundreds of thousands of barrels of oil from Iraq each day? In September 2002, it is estimated the U.S. imported 550,000 barrels a day. In September of 2001, we imported 1.2 million barrels a day—and broke an 11 year record.

The GAO reports Saddam received $6.6 billion in illegal revenue through smuggled oil since 1997, $1.5 billion in 2001 alone.

The number of vessels smuggling oil has dramatically risen in the past few months. In June through August, the Multi-national Interception Force boarded 297 vessels—nearly 100 per month—with 225,000 barrels of oil. Prior to that, the boarded an average of 12 vessels per month.

This is the Iraqi oil that powers our economy, fuels our school buses, and provides jet fuel for our fighters.

No longer should Iraq count on the United States to fund its regime.

We must pass an energy bill that helps reduce our dangerous dependence on Iraq. America must not be held victim to the whims of Saudi kings and Middle Eastern dictators.

We have an obligation to the American people. We have an obligation to send a strong, unified voice to the United Nations—Congress and the President, hand in hand—that it is time to stop appeasing Saddam.

It is time to enforce the multitude of resolutions already passed and it is time to remove the deadly threat posed by Saddam Hussein.

And if the United Nations is not willing to enforce its own resolutions, if the United Nations is not willing to make itself relevant, then the United States must not be afraid to stand up, to ensure that the national security of the United States is not endangered by the actions of Saddam Hussein.

I support this resolution. It is time to send a clear message to Saddam that we will no longer stand by while he develops these weapons that threaten the stability of the region, while he continues to defy the will of the international community, and while he poses a threat to the national security of the United States.

We cannot afford the risks of inaction. Not after the lessons we have learned from September 11.

Mrs. LINCOLN. Mr. President, I rise today as the Mother of two sons as well as a proud member of this body.

I have come to my decision on this grave matter after going to every length to gather as much information as I could, then weighing it carefully with the general sentiment in my state that we should be very thoughtful. My constituents want us to consider the consequences of war.

I have asked the same questions of the President and his national security team that my constituents asked me. I understand that there are no easy choices when confronting a menace like Saddam Hussein. I have decided to support the Lieberman-Bayh resolution because I believe it gives the President the authority to act with military force if necessary while holding him accountable for a preferred, peaceful solution.

I look at my sons every day and wonder what kind of a world we are creating for them. I am sad that September 11, 2001 has forever changed our perspective on their future and ours. I regret that I cannot be sure that my boys will always be safe from terrorism. But, I am ever more resolved that we have a responsibility to eliminate the Saddam Husseins and Osama bin Ladens of the world. These are people who bear an irrational hatred toward America and the liberty and justice that we stand for. They have converted that hatred into weapons stockpiles and terrorist networks that threaten our way of life. We cannot stand idly by while they gain strength and underestimate our resolve.

Today, I make a difficult choice. I choose to give our President the authority to take military action against Iraq if necessary because I believe him when he says he does not want to go to war. I take our President at his word that disarming Saddam Hussein peacefully is his first choice. I support the notion that a unified Congress sends a strong message to our allies and gives our Secretary of State more leverage as he negotiates a new and tougher U.N. resolution that mandates weapons inspections in Iraq with military consequences if Saddam resists.

Saddam Hussein is a ruthless dictator. He has set himself apart from dictators of the past by using biological weapons against his own people. He has used them before and I don't want to be left with regret if he were to use them against our military or diplomatic personnel overseas, or even our allies. Our objective must be to disarm him before he can unleash his arsenal of chemical and biological weapons or before he can complete work on a nuclear weapon.

The time has come to no longer abide the threat that Saddam Hussein brings to everything that is good in this world. The time has come to eliminate his tools of destruction. Whether we do it alone or with the support of our allies, there can be no question that disarmament of Iraq cannot happen without the significant involvement, in fact the leadership, of the United States.

So I have concluded that Saddam Hussein understands only one kind of communication. A strongly worded U.N. resolution with the solid military backing of the Security Council may change his mind about cooperating. If it doesn't, he must know that his evil and treachery will have consequences.

Today I believe that the risk of doing nothing outweighs the risk of taking action. President Bush has pledged to me and the nation that he will exhaust a peaceful solution before resorting to a military solution. And I intend to hold him to his word.

I vote for this resolution with a heavy heart but also with the knowledge that we can't have it both ways. We cannot wish terrorism away without taking the necessary steps to ensure that our country, and certainly our children, are safe and free.

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether to go to war. America's values and interests are served best if war is a last resort. I do not believe America should go to war against Iraq unless and until other reasonable alternatives are exhausted, and I will vote against this resolution authorizing the use of force against Iraq.

Too often in this debate, we have failed to address the real effects of unilateral war with Iraq. The more we debate the war, the more we learn of the danger of going to war alone, the danger that it will cause to our urgent war against al-Qaida and terrorism, the danger that Saddam may be provoked into using his weapons of mass destruction against us or against Israel, the danger that allies we need will refuse to support us on other major challenges in the years ahead, and the dangerous new instability that could be caused in that volatile region if we go to war alone.

Because the threat of Saddam is real, I commend President Bush for taking America's case to the United Nations. We have a better prospect of disarming Iraq with the world behind us, than with our allies on the sidelines, or even at odds with our mission.

As we approach a vote on this important question, I offer the strongest possible affirmation that good and decent people on all sides of this debate who may in the end stand on opposing sides of this decision, are equally committed to our national security.

The life and death issue of war and peace is too important to be left to politics. And I disagree with those who suggest that this fateful issue cannot or should not be contested vigorously, publicly, and all across America. When it is the people's sons and daughters who will risk and even lose their lives, then the people should hear and be heard, speak and be listened to.

But there is a difference between honest public dialogue and partisan appeals. There is a difference between questioning policy and questioning motives. There are Republicans and Democrats who support the immediate use of force, and Republicans and Democrats who have raised doubts and dissented.

In this serious time for America and many American families, no one should poison the public square by attacking the patriotism of opponents, or by assailing proponents as more interested in the cause of politics than in the merits of their cause. I reject this, as should we all.

Let me say it plainly: I not only concede, but I am convinced that President Bush believes genuinely in the course he urges upon us. And let me say with the same plainness: Those who agree with that course have an equal obligation—to resist any temptation to convert patriotism into politics. It is possible to love America while concluding that it is not now wise to go to war. The standard that should guide us is especially clear when lives are on the line: We must ask what is right for country and not party.

That is the true spirit of September 11, not unthinking unanimity, but a clear-minded unity in or determination to defeat terrorism, to defend our values and the value of life itself.

Just a year ago, the American people and the Congress rallied behind the President and our Armed Forces as we went to war in Afghanistan. al-Qaida and the Taliban protectors who gave them sanctuary in Afghanistan posed a clear, present and continuing danger. The need to destroy al-Qaida was urgent and undeniable.

In the months that followed September 11, the Bush administration marshaled an international coalition. Today, 90 countries are enlisted in the effort, from providing troops to providing law enforcement, intelligence, and other critical support.

But I am concerned that using force against Iraq before other means are tried will sorely test both the integrity and effectiveness of the coalition. Just one year into the campaign against al-Qaida, the administration is shifting focus, resources and energy to Iraq. The change is priority is coming before we have fully eliminated the threat from al-Qaida, before we know whether Osama bin Laden is dead or alive, and before we can be assured that the fragile post-Taiban government in Afghanistan will consolidate its authority.

No one disputes that America has lasting and important interests in the Persian Gulf, or that Iraq poses a significant challenge to U.S. interests. There is no doubt that Saddam Hussein's regime is a serious danger, that he is tyrant, and that his pursuit of lethal weapons of mass destruction cannot be tolerated. The question is not whether he should be disarmed, but how.

How can we best achieve this objective in a way that minimizes the risks to our country? How can we ignore the danger to our young men and women in uniform, to our ally Israel, to regional stability, the international community, and victory against terrorism?

There is clearly a threat from Iraq, and there is clearly a danger, but the administration has not made a convincing case that we face such an imminent threat to our national security that a unilateral American strike and an immediate war are necessary.

Nor has the administration laid out the cost in blood and treasure of this operation.

With all the talk of war, the administration has not explicitly acknowledged, let alone explained to the American people, the immense post-war commitment that will be required to create a stable Iraq.

The President's challenge to the United Nations requires a renewed effort to enforce the will of the international community to disarm Saddam. Resorting to war is not America's only or best ocurse at this juncture. There are realistic alternatives between doing nothing and declaring unilateral or immediate war. War should be a last resort. Let us follow that course, and the world will be with us—even if, in the end, we have to move to the ultimate sanction of armed conflict.

The Bush administration says America can fight a war in Iraq without undermining our most pressing national security priority, the war against Al-Qaida. But I believe it is inevitable that a war in Iraq without serious international support will weaken our effort to ensure that Al-Qaida terrorists can never, never, never threaten American lives again.

Unfortunately, the threat from al-Qaida is still imminent. The Nation's armed forces and law enforcement are on constant high alert. America may have broken up the al-Qaida network in Afghanistan and scattered its operatives across many lands. But we have not broken its will to kill Americans.

As I said earlier, we still don't know the fate, the location, or the operational capacity of Osama bin Laden himself. But we do know that al-Qaida is still there, and still here in America, and will do all it can to strike at America's heart and heartland again. But we don't know when, where, or how this may happen.

On March 12, CIA Director Tenet testified before the Senate Armed Services Committee that al-Qaida remains ''the most immediate and serious threat'' to our country, ''despite the progress we have made in Afghanistan and in disrupting the network elsewhere.''

Even with the Taliban out of power, Afghanistan remains fragile. Security remains tenuous. Warlords still dominate many regions. Our reconstruction effort, which is vital to long-term stability and security, is halting and inadequate. Some al-Qaida operatives, no one knows how many, have faded into the general population. Terrorist attacks are on the rise. President Karzai, who has already survived one assassination attempt, is still struggling to solidify his hold on power. And although neighboring Pakistan has been our ally, its stability is far from certain.

We know all this, and we also know that it is an open secret in Washington that the Nation's uniformed military leadership is skeptical about the wisdom of war with Iraq. They share the concern that it may adversely affect the ongoing war against al-Qaida and the continuing effort in Afghanistan by draining resources and armed forces already stretched so thin that many Reservists have been called for a second year of duty, and record numbers of service members have been kept on active duty beyond their obligated service.

They said that spy satellite, reconnaissance aircraft and other intelligence analysts with regional or linguistic expertise would have to be reassigned.

To succeed in our global war against al-Qaida and terrorism, the United States depends on military, law enforcement, and intelligence support from many other nations. We depend on Russia and countries in the former Soviet Union that border Afghanistan for military cooperation. We depend on countries from Portugal to Pakistan to the Philippines for information about al-Qaida's plans and intentions. Because of these relationships, terrorist plots are being foiled and al-Qaida operatives are being arrested.

Support from our allies has been indispensable in the war on terrorism, and has had real results: In December 2001, Singapore officials arrested 13 members of a group with ties to al-Qaida that had planned to bomb the U.S. embassy and U.S. commercial and military targets in Singapore. Malaysia has arrested nearly 50 suspected al-Qaida terrorists since September 11th. In March 2002, a joint U.S.-Pakistani police operation arrested 29 al-Qaida suspects, believed to include Abu Zubayday, a key bin Laden deputy. In May 2002, Morocco arrested three alleged al-Qaida members in connection with a plot to attack American and British naval ships in the Straits of Gibraltar. In June, Moroccan authorities also detained Abu Zubair, nicknamed ''the bear''—a top associate of Abu Zubaydah. In June 2002, Saudi Arabia arrested seven al-Qaida members on suspicion of planning terrorist attacks. One of them, a Sudanese, had allegedly been involved in a missile attack near a Saudi airbase used by U.S. forces. The United States has worked closely with Yemen to combat terrorism, and the Yemeni government recently reported that it is holding 85 suspects accused of links to al-Qaida and other militant groups.

These arrests may seem small in number. But we know only too well that only 19 al-Qaida terrorists were responsible for the murder of nearly 3000 Americans on September 11.

It is far from clear that these essential relationships, which are yielding tangible law enforcement results, will survive the strain of unilateral war with Iraq that comes before the alternatives are tried, or without the support of an international coalition.

A largely unilateral American war that is widely perceived in the Muslim world as untimely or unjust could worsen not lessen the threat of terrorism. War with Iraq before a genuine attempt at inspection and disarmament, or without genuine international support, could swell the ranks of al-Qaida sympathizers and trigger an escalation in terrorist acts. As General Clark told the Senate Armed Services Committee, it would ''super-charge recruiting for al-Qaida.

General Hoar advised the Committee on September 232 that America's first and primary effort should be to defeat al-Qaida. In a September 10th article, General Clark wrote: ''Unilateral U.S. action today would disrupt the war against al-Qaida.'' We ignore such wisdom and advice from many of the best of our military at our own peril.

We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction. Our intelligence community is deeply concerned about the acquisition of such weapons by Iran, North Korea, Libya, Syria and other nations. But information from the intelligence community over the past six months does not point to Iraq as an imminent threat to the United States or a major proliferation of weapons of mass destruction.

In public hearings before the Senate Armed Services Committee in March, CIA Director George Tenet described Iraq as a threat but not as a proliferator, saying that Saddam Hussein, and I quote, ''is determined to thwart U.N. sanctions, press ahead

with weapons of mass destruction, and resurrect the military force he had before the Gulf War.'' That is unacceptable, but it is also possible that it could be stopped short of war.

In recent weeks, in briefings and in hearings in the Senate Armed Services Committee, I have seen no persuasive evidence that Saddam is not today deterred from attacking U.S. interests by America's overwhelming military superiority.

I have heard no persuasive evidence that Saddam is on the threshold of acquiring the nuclear weapons he has sought for more than 20 years.

And the Administration has offered no persuasive evidence that Saddam would transfer chemical or biological weapons of mass destruction to al-Qaida or any other terrorist organization. As General Joseph Hoar, the former Commander of Central Command told the members of the Armed Services Committee, a case has not been made to connect al-Qaida and Iraq.

To the contrary, there is no clear and convincing pattern of Iraqi relations with either al-Qaida or the Taliban.

Moreover, in August, former National Security Advisor Brent Scowcroft wrote that there is ''scant evidence'' linking Saddam Hussein to terrorist organizations, and ''even less to the September 11 attacks.'' He concluded that Saddam would not regard it as in his interest to risk his country or his investment in weapons of mass destruction by transferring them to terrorists who would use them and ''leave Baghdad as the return address.''

Some who advocate military action against Iraq assert that air strikes will do the job quickly and decisively, and that the operation will be complete in 72 hours. But there is again no persuasive evidence that air strikes alone over the course of several days will incapacitate Saddam and destroy his weapons of mass destruction. Experts have informed us that we do not have sufficient intelligence about military targets in Iraq. Saddam may well hide his most lethal weapons in mosques, schools and hospitals. If our forces attempt to strike such targets, untold numbers of Iraqi civilians could be killed.

In the gulf war, many of Saddam's soldiers quickly retreated because they did not believe the invasion of Kuwait was justified. But when Iraq's survival is at stake, it is more likely that they will fight to the end. Saddam and his military may well abandon the desert, retreat to Baghdad, and engage in urban, guerrilla warfare.

Many believe that our armed forces may need to occupy Baghdad, which has over 5 million residents. In our September 23 hearing, General Clark told the committee that we would need a large military force and a plan for urban warfare. General Hoar said that our military would have to be prepared to fight block by block in Baghdad, and that we could lose a battalion of soldiers a day in casualties. Urban fighting would, he said, look like the last brutal 15 minutes of the movie ''Saving Private Ryan.''

We know that the senior military leadership is concerned about the long-term consequences of an occupation. Secretary of Defense Rumsfeld testified in September that if force were used in Iraq, disarmament would take some period of time. As he said, ''one would think there would have to be a military presence, undoubtedly a coalition presence or a U.N. presence, for a period of time.

In fact, the Congressional Budget Office estimated that the cost of an occupation force would be $1 billion to $4 billion a month, depending on the size of the force, and military experts have suggested that up to 200,000 peace keepers might be needed for the occupation. However, and let me emphasize this, the Congressional Budget Office concluded that current U.S. Army forces would be unable to support the needed troop rotations for a prolonged 200,000-person occupation.

I do not accept the idea that trying other alternatives is either futile or perilous—that the risks of waiting are greater than the risks of war. Indeed, in launching a war against Iraq now, the United States may precipitate the very threat that we are intent on preventing—weapons of mass destruction in the hands of terrorists. If Saddam's regime and his very survival are threatened, then his view of his interests may be profoundly altered: He may decide he has nothing to lose by using weapons of mass destruction himself or by sharing them with terrorists.

Indeed, in an October 7 letter to Senator GRAHAM, Chairman of the Senate Intelligence committee, CIA Director George Tenet stated this risk. He said, ''Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or C.B.W. against the United States.''

In discussing the scenario of a military attack, the CIA Director said, ''Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist actions . . . Saddam might decide that the extreme step of assisting Islamist terrorists in conducting a W.M.D. attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him.

In the same letter, the CIA declassified an exchange between Senator LEVIN and a senior intelligence witness. When asked about the likelihood of Saddam using weapons of mass destruction without provocation, the intelligence witness said, ''My judgment would be that the probability of him initiating an attack . . . in the foreseeable future, given the conditions we understand now, the likelihood I think would be low.'' When asked about the likelihood that Saddam would use weapons of mass destruction if he thought his regime was in danger, the witness said, ''Pretty high, in my view.''

Before the Gulf War in 1991, Secretary of State James Baker met with the Iraqis and threatened Hussein with ''catastrophe'' if he employed weapons of mass destruction. In that war, although Saddam launched 39 Scud missiles at Israel, he did not use the chemical or biological weapons he had.

If Saddam's regime and survival are threatened, he will have nothing to lose, and may use everything at his disposal. Israeli Prime Minister Ariel Sharon has announced that instead of its forbearance in the 1991 gulf war, this time Israel will respond if attacked. If weapons of mass destruction land on Israeli soil, killing innocent civilians, the experts I have consulted believe Israel will retaliate, and possibly with nuclear weapons.

This escalation, spiraling out of control, could draw the Arab world into a regional war in which our Arab allies side with Iraq, against the United States and against Israel. And that would represent a fundamental threat to Israel, to the region, to the world economy and international order.

Nor can we rule out the possibility that Saddam would assault American force with chemical or biological weapons. Despite advances in protecting our troops, we may not yet have the capability to safeguard all of them. The Congressional General Accounting Office published a report on October 1 which clearly suggests that our forces are not adequately prepared for a chemical or biological attack, even though the Defense Department has been taking significant actions to provide such protection.

The GAO emphasizes the importance of chemical and biological defense training, the medical readiness of units to conduct operations in a contaminated environment, and the critical need for an adequate supply of required protective gear.

Our forces are already stretched thin in other ways. Our soldiers, sailors, airmen and Marines are serving their country with great distinction. Just under 70,000 Reservists and National Guardsmen have been mobilized for the war against terrorism. Many reservists who were initially recalled for the war in Afghanistan have been either de-mobilized or extended for a second year. They are concerned about the impact a war against Iraq will have on their families and on their jobs. Many employers who are struggling in the current sagging economy are also deeply concerned about the stability of their workforce. These patriotic Americans are willing to sacrifice, but they deserve to know that all reasonable alternatives to war have been exhausted.

If we embark upon a premature or unilateral military campaign against Iraq, or a campaign only with Britain, our forces will have to serve in even greater numbers, for longer periods,

and with graver risks. Our force strength will be stretched even thinner. If in the end we must go to war, the burden should be shared with allies, and an alliance is less likely if war becomes an immediate response.

Even with the major technological gains demonstrated in Afghanistan, the logistics and manpower required in a war with Iraq would be extraordinarily challenging if we could not marshal a real coalition of regional and international allies. The Chairman of the Joint Chiefs of Staff, General Richard Myers, told the Senate Armed Services Committee two week ago that because of the high demand placed on some of our forces, coalition partners would be necessary to mitigate the risk of war in Iraq.

President Bush made the right decision on September 12 when he expressed America's willingness to work with the United Nations to prevent Iraq from using chemical, biological or nuclear weapons. The President's address to the General Assembly challenging the United Nations to enforce its long list of Security Council Resolutions on Iraq was powerful, and for me, it was persuasive.

The President reports important progress has been made in urging many nations to join us in insisting that Saddam Hussein's regime be held accountable. The meetings already held between the U.N. and the Iraqi government on resuming inspections reflects the new international resolve to ensure that Iraq's weapons of mass destruction are identified and destroyed. Yet, the resolution before us would allow the President to go it alone against Iraq without seeing our U.N. initiative through, and without exhausting the alternatives.

To maintain the credibility he built when he went to the U.N., the President must follow the logic of his own argument. Before we go to war, we should give the international community to chance to meet the President's challenge, to renew its resolve to disarm Saddam Hussein completely and effectively.

Some have argued that inspections have already been tried, and that they have failed. They argue that the international community has exhausted the option of inspections, and that immediate war is now justified. I disagree.

I have spoken to former inspectors and non-proliferation experts who are convinced that 7 years of inspections significantly impeded Saddam's efforts to acquire weapons of mass destruction. Indeed, they are convinced that inspections can work effectively again.

According to Rolf Ekeus, who served as the executive chairman of the U.N. Special Commission on Iraq from 1991 to 1997, inspectors ensured that not much was left of Iraq's once massive weapons programs at the time they departed.

In fact, the seven years of inspections that took place until 1998 succeeded in virtually eliminating Saddam's ability to develop a nuclear weapon in Iraq during that period. Even with Iraq's obstructions, those inspections resulted in the demolition of large quantities of chemical and biological weapons. The inspection program, before its forced termination in 1998, had accomplished far more disarmament than the gulf war itself.

President Bush acknowledged the successes of the International Atomic Energy Agency, or I.A.E.A., in thwarting Saddam's nuclear ambitions in his October 7 address to the Nation. He said, ''Before being barred from Iraq in 1998, the International Atomic Energy Agency dismantled extensive nuclear weapons-related facilities, including three uranium-enrichment sites.''

A CIA assessment, released to the public in October 2002, says: ''Before its departure from Iraq, the IAEA made significant strides toward dismantling Iraq's nuclear weapons program and unearthing the nature and scope of Iraq's past nuclear activities.''

Even the assessment of Iraq's WMD program published by the British Government to demand action in the United Nations against Iraq acknowledges the success of inspections. It says: ''Despite the conduct of the Iraqi authorities towards them, both, the UN, and the IAEA Action Team have valuable records of achievement in discovering and exposing Iraq's biological weapons program and destroying very large quantities of chemical weapons stocks and missiles as well as the infrastructure for Iraq's nuclear weapons programme.''

Among the U.N.'s significant achievements cited in the assessment are: The destruction of 40,000 munitions for chemical weapons, 2,610 tons of chemical precursors, and 411 tons of chemical warfare agent. The dismantling of Iraq's prime chemical weapons development production complex. The destruction of 48 Scud-type missiles, 11 mobile launchers and 56 sites, 30 warheads filled with chemical agents, and 20 conventional warheads. The destruction of the al-Hakam biological weapons facility and a range of production equipment. The removal and destruction of the infrastructure of the nuclear weapons program, including a weaponization and testing facility.

Experts on inspections advise that it would be extremely hard for Iraq to carry on an active and even secret WMD program while inspections are being conducted, especially with the inspection technology that has been developed over the last ten years. One former nuclear inspector told me that he found it hard to keep Iraqi scientists quiet about Iraq's nuclear program, once they started to talk.

Given these assessments, there is every reason to believe that unrestricted and unconditional inspections can again be effective in ensuring the destruction of weapons of mass destruction. It is an option that must be given a clear chance before going to war again.

So this should be the first aim of our policy, to get U.N. inspectors back into Iraq without conditions. I hope the Security Council will approve a new resolution requiring the Government of Iraq to accept unlimited and unconditional inspections and the destruction of any weapons of mass destruction.

The resolution should set a short timetable for the resumption of inspections. I would hope that inspections could resume, at the latest, by the end of October.

The resolution should also require the head of the U.N. inspection team to report to the Security Council every two weeks. No delaying tactics should be tolerated, and if they occur, Saddam should know that he will lose his last chance to avoid war.

The Security Council Resolution should authorize the use of force, if the inspection process is unsatisfactory. And there should be no doubt in Baghdad that the United States Congress would then be prepared to authorize force as well.

The return of inspectors with unfettered access and the ability to destroy what they find not only could remove any weapons of mass destruction from Saddam's arsenal. They could also be more effective than an immediate or unilateral war in ensuring that these deadly weapons would not fall into terrorist hands.

Before going to war again, we should seek to resume the inspections now—and set a non-negotiable demand of no obstruction, no delay, no more weapons of mass destruction in Iraq.

We know that our actions against Iraq do not occur in a vacuum. The world is watching. The Administration's decisions to abandon the Kyoto Protocol on global warming, to unilaterally withdraw from the ABM Treaty, and to reject ratification of the Treaty on the International Criminal Court have left the unmistakable impression across the globe that the United States wants to write its own international rules.

In February, Secretary of State Powell testified that there was significant concern among the Europeans earlier last year about ''unbridled U.S. unilateralism,'' because ''the U.S. was going off on its own without a care for the rest of the world.'' Further unilateral action on our part, especially on the all-important issue of war, could trigger a new global anti-Americanism that causes peoples and governments to question our motives and actions on a wide range of issues.

We should not embark on a unilateral war, without fully considering the potentially destabilizing impact on our allies in the region.

If we insist on attacking Iraq alone without the clear support of the international community, we could inflame anti-Americanism in the predominantly Muslim countries throughout the Middle East and South Asia. In an article this month in the New York Times, an expert at the Brookings Institution wrote that regardless of our

real objectives, most Arabs and Muslims will see ''American imperialism'' in a war with Iraq.

This expert says that a war with Iraq would ''render the Middle East more . . . unstable than it is today.'' Middle Eastern leaders could be faced with mass street protests over a highly unpopular American strike.

Jordan's King Abdullah, who is a trusted friend of America, is deeply concerned that war will inflame the large Palestinian population and inflame Islamic views. Iraq is one of Jordan's largest trading partners, and King Abdullah is understandably concerned about a potentially devastating impact on the Jordanian economy. Some experts have suggested that King Abdullah may lose power if war breaks out. Already the Jordanian Government is working actively to discourage popular outbursts against war with Iraq.

In Egypt, President Mubarak is concerned that war with Iraq will further ignite strong Islamist sentiment.

We also need to consider the possibility that Iran would try to increase its strength and influence in Southern Iraq in a post-Saddam era. More than 50 percent of the Iraqi population is Shiite, just as in Iran, and if the Iranian Government senses a vacuum, it very well might try to increase its influence in Iraq.

The United States must clearly act to defend our national security against an imminent threat. In doing so, the President will have the full support of Congress and the American people. But when an imminent threat does not exist, and when reasonable alternatives are available, as they are now, we must use them before resorting to war.

What can be gained here is success and in the event of failure, greater credibility for an armed response, greater international support, and the prospect of victory with less loss of American life.

So what is to be lost by pursuing this policy before Congress authorizes sending young Americans into another and in this case perhaps unnecessary war?

Even the case against Saddam is, in important respects, a case against immediate or unilateral war. If Prime Minister Blair is correct in saying that Iraq can launch chemical or biological warheads in 45 minutes, what kind of sense does it make to put our soldiers in the path of that danger without exhausting every reasonable means to disarm Iraq through the United Nations?

Clearly we must halt Saddam Hussein's quest for weapons of mass destruction. Yes, we may reach the point where our only choice is conflict with like-minded allies at our side, if not in a multilateral action authorized by the Security Council. But we are not there yet.

The evidence does not take us there; events do not compel us there and both the war against terrorism and our wider interests in the region and the world summon us to a course that is sensible, graduated, and genuinely strong—not because it moves swiftly to battle, but because it moves resolutely to the objective of disarming Iraq peacefully if possible, and militarily if necessary.

In his October 7 address to the nation, President Bush said Congressional approval of a resolution authorizing the use of force does not mean that war with Iraq is ''imminent or unavoidable.'' The President himself has not decided that our nation should go to war. Yet, Congress is being asked to authorize war now. He may decide not to use that authority. But this resolution leaves it to the President to make the decision on his own, without further recourse to Congress or to the American people.

The power to declare war is the most solemn responsibility given to Congress by the Constitution. We must not delegate that responsibility to the President in advance.

Let me close by recalling the events of an autumn of danger four decades ago. When missiles were discovered in Cuba—missiles more threatening to us than anything Saddam has today, some in the highest councils of government urged an immediate and unilateral strike. Instead the United States took its case to the United Nations, won the endorsement of the Organization of American States, and brought along even our most skeptical allies. We imposed a blockade, demanded inspection, and insisted on the removal of the missiles.

When an earlier President outlined that choice to the American people and the world, he spoke of it in realistic terms not with a sense that the first step would necessarily be the final step, but with a resolve that it must be tried.

As he said then, ''Action is required . . . and these actions [now] may only be the beginning. We will not prematurely or unnecessarily risk the costs of . . . war—but neither will we shrink from that risk at any time it must be faced.''

In 2002, we too can and must be both resolute and measured. In that way, the United States prevailed without war in the greatest confrontation of the Cold War. Now, on Iraq, let us build international support, try the United Nations, and pursue disarmament before we turn to armed conflict.

Mr. JOHNSON. Mr. President, I rise today to offer my support for the pending resolution. I am pleased to be a cosponsor of the Lieberman-Warner-McCain resolution because I believe it is in our national security interests to deal with the threat posed by Iraq. The world would be a far safer place without Saddam Hussein, and as long as he remains in power, he will continue to be a threat to the region, to the United States, and to his own people.

Saddam Hussein is a destabilizing force in the Middle East. A quick review of history reveals he has invaded two of his neighbors—Iran and Kuwait—causing massive destruction, killing hundreds of thousands of people, and bankrupting his country. During the gulf war, he launched ballistic missiles at civilian populations in Israel. He opposes the Middle East peace process and has provided financial rewards to the families of suicide bombers. He supports organizations engaged in terrorism and committed to the overthrow of governments within the region. It is clear that Saddam Hussein is an opponent of stability in the Middle East, and our efforts to build a lasting peace in the region is in jeopardy as long as he remains in power.

In addition to being a threat to his neighbors, Saddam Hussein is a threat to the United States and to our vital national security interests. There can be no doubt that Iraq has continued its drive to develop weapons of mass destruction and the means to deliver them. After the gulf war, Saddam Hussein agreed to open up his country to international inspectors, to destroy his weapons stockpiles, and to halt all weapons of mass destruction development programs. Despite near continual obstruction by Iraq, international weapons inspectors were able to uncover a portion of his extensive chemical and biological weapons, and gain vital information about his effort to develop nuclear weapons.

However, the weapons inspectors' progress was thwarted when Saddam Hussein forced them to leave the country in 1998. For 4 years, he has been able to pursue chemical, biological, and nuclear weapons capabilities outside the watchful eye of the international community. While Iraq has agreed to allow the weapons inspectors to return, I am skeptical that Saddam Hussein will keep his word and allow unfettered access to suspect sites. Already there are indications that the agreement under which the inspectors will return allows Iraq to forbid entrance into certain key locations. Without full and guaranteed access to all sites, this inspection regime is likely to fail and prove to be just another delaying tactic.

Saddam Hussein's possession of weapons of mass destruction is in itself a threat to the United States, but equally concerning is his ties to international terrorism. It is clear that Iraq is in violation of its obligation to renounce terrorism and to halt its support for terrorist organizations. Recently, the Bush administration announced that it has evidence linking Saddam Hussein with international terrorists. A link between Saddam Hussein's weapons of mass destruction and al-Qaida terrorists would be the gravest threat facing our Nation and would require immediate action by the United States.

Given this threat, and the fact that Iraq is in violation of 16 separate United Nations Security Council resolutions, the United States is well within its rights to act militarily to protect

the safety of the American people. I disagree with those who argue our actions must be tied to prior approval by the United Nations. The defense of our Nation should not be dictated by other countries or international organizations. If necessary, the United States should be prepared to act alone.

However, I strongly support efforts to build international support prior to military action against Iraq. The support of our allies, and the international community as a whole, will increase the chances of success for our policy in Iraq and in the ongoing fight against global terrorism. One reason why I support the pending resolution is that I believe a strong vote by Congress will signal our national unity and make it more likely that the President will succeed in creating a strong international coalition.

While much of our focus has been on preparing for possible military action against Iraq, and working with the international community to resume inspections of Iraq's suspected weapons of mass destruction sites, I believe we must also begin the process of planning for a post-Saddam Hussein Iraq. As a part of this, we must begin to talk to the Iraqi people and enlist their support in the fight against Saddam Hussein. There can be no doubt that no one has suffered more from Saddam Hussein's regime than the people of Iraq.

The list of crimes Saddam Hussein has perpetrated against his own citizens is shocking. Since 1997, he has killed over 2,500 prisoners—many of whom were jailed simply for their opposition to his regime. He has repressed both the Kurds in the north and the Shiites in the south by causing environmental devastation, demolishing homes, destroying villages, and creating hundreds of thousands of internally displaced people throughout the country. In 1988 in the village of Halabja, he used chemical weapons to kill more than 5,000 innocent Iraqi civilians. And while thousands of his people starve, Saddam Hussein diverts much needed food and medicine from the U.N.'s Oil for Food Program for his own enrichment.

Given his history, the Iraqi people should no doubt welcome the end of Saddam Hussein's brutal regime. We should ask for their support in ousting Saddam by assuring them that our goal is nothing short of helping them establish a functioning, democratic society. Iraq enjoys a wealth of natural resources and a well-educated, innovative population. The Iraqi people may well thrive once they are allowed to harness the power of democracy and free markets.

I believe we can succeed in helping the Iraqi people create a better country. It will be difficult and will take a long-term commitment from the United States. But ultimately, the success of our efforts in Iraq will be judged by our ability to make sure that Saddam Hussein is not simply replaced by another dictator who will pursue weapons of mass destruction, invade his neighbors, and support global terrorism.

This vote has particular significance to me. My son, Brooks, is currently serving in the 101st Airborne. The 101st is one of the Army divisions that has been identified by military leaders as likely to prosecute the war against Iraq. I know that a vote in favor of this resolution may be a vote to send my own son to war. Given this, I do not take this vote lightly. I am very proud of my son, and of the thousands of South Dakotans serving in our Armed Forces, and I know they are prepared to do what is necessary to protect the United States.

I will vote for this resolution because I know putting a stop to Iraq's weapons of mass destruction program and ending Saddam Hussein's brutal dictatorship is in our national security interests and vital to protecting the American people. While this approach is not without danger, the greatest danger of all would be in a failure of the U.S. and the world community to act in a decisive and urgent manner.

Mr. LIEBERMAN. Mr. President, what weapons, exactly, does Saddam Hussein have, and what could he do with them? When we are talking about this dangerous dictator, that is not a hypothetical question. We can see what he has done already with the chemicals he has developed. We don't have to imagine; we need only extrapolate.

Saddam Hussein not only has large and growing stockpiles of chemical and biological weapons. He alone among the dictators of the world has shown a willingness to use them.

In the 1980s Iran-Iraq War, Iraqi troops repeatedly used poison gas, including mustard gas and the nerve agent sarin, against Iranian soldiers. And Saddam has repeatedly attacked Kurds in the north with chemical weapons, namely nerve agents and mustard gas, the most horrifying single attack coming in Halabja in 1988.

It is one thing to see nations accumulate dangerous weapons for purely deterrent and defensive purposes. It is another entirely to see a dictator develop such weapons and deploy them to murder opponents of his regime and wage offensive war against a neighbor.

That is why we must look with special scrutiny on Saddam's stockpiles.

When the U.N. inspectors were forced out of Iraq in 1998, here is what was unaccounted for: up to 360 tons of bulk chemical warfare agents, including one and a half tons of VX nerve agent; up to 3,00 tons of precursor chemicals; growth media sufficient to produce 26,000 liters of anthrax spores; and over 30,000 special munitions for delivery of chemical and biological agents.

Those are just the leftovers that we know about. Then add to that all the deadly weapons that Saddam has been cooking up over the last 11 years. We know Iraq continues to produce chemical agents for chemical weapons. We know Saddam has rebuilt previously destroyed production plants across Iraq. We know he has retained the key personnel formerly engaged in the chemical weapons program. He has mustard gas, VX nerve agent, and a range of other chemical weapons.

The record repeats itself with biological weapons. Intelligence shows us that production has continued. Facilities formerly used for biological weapons have been rebuilt. Equipment has been purchased. And Saddam has retained the personnel who worked on it before the gulf war. Indeed, UNSCOM found that Iraq was working to build mobile biological weapons facilities which are easier to conceal. It appears that they now have such facilities. The biological agents we believe Iraq can produce include anthrax, botulinum, toxin, aflatoxin and ricin.

Perhaps we recite the litany, ''chemical, biological, working on nuclear,'' so often that it loses some of its meaning. British Prime Minister Tony Blair has warned against us developing a kind of ''word fatigue'' when it comes to these weapons, and I take that warning to heart.

''New Yorker'' writer Jeffrey Goldberg has traveled to the region and done significant reporting on Saddam's capabilities and his intentions—on his deadly weapons and his brutal will. Let me read a piece Mr. Goldberg wrote in the online magazine Slate that puts Saddam's possession of at least one of these toxins in sharp relief. I quote:

> In 1995, the government of Saddam Hussein admitted to United Nations weapons inspectors that its scientists had weaponized a biological agent called aflatoxin. Charles Duelfer, the former deputy executive chairman of the now—defunct UNSCOM, told me earlier this year that the Iraqi admission was startling because aflatoxin has no possible battlefield use. Aflatoxin, which is made from fungi that occur in moldy grains, does only one thing well: It causes liver cancer. In fact, it induces it particularly well in children. Its effects are far from immediate. The joke among weapons inspectors is that aflatoxin would stop a lieutenant from making colonel, but it would not stop soldiers from advancing across a battlefield.
>
> I quoted Duelfer, in an article that appeared in the New Yorker, saying that ''we kept pressing the Iraqis to discuss the concept of use of aflatoxin.'' They never came up with an adequate explanation, he said. They did admit, however, that they had loaded aflatoxin into two warheads capable of being fitted onto Scud missiles.

Richard Spertzel, who was the chief biological weapons inspector for UNSCOM, told me that aflatoxin is ''a devilish weapon. From a moral standpoint, aflatoxin is the cruelest weapons, it means watching children die slowly of liver cancer.''

Spertzel went on to say that, to his knowledge, Iraq is the only country ever to weaponize aflatoxin.

> In an advertisement that appeared in the New York Times on Tuesday, a group of worthies called upon the American people to summon the courage to question the war plans of President Bush. The advertisement, which was sponsored by Common Cause, asks, in reference to the Saddam regime, ''Of all the repugnant dictatorships, why this one?'' . . .

. . . There are, of course, many repugnant dictators in the world; a dozen or so in the Middle East alone. But Saddam Hussein is a figure of singular repugnance, and singular danger. To review: There is no dictator in power anywhere in the world who has, so far in his career, invaded two neighboring countries; fired ballistic missiles at the civilians of two other neighboring countries; tried to have assassinated an ex-president of the United States; harbored al-Quaida fugitives; attacked civilians with chemical weapons; attacked the soldiers of an enemy country with chemical weapons; conducted biological weapons experiments on human subjects; committed genocide; and then there is, of course, the matter of the weaponized aflatoxin, a tool of mass murder and nothing else.

I do not know how any thinking person could believe that Saddam Hussein is a run-of-the-mill dictator. No one else comes close . . . to matching his extraordinary and variegated record of malevolence.

Earlier this year, while traveling across northern Iraq, I interviewed more than 100 survivors of Saddam's campaign of chemical genocide. I will not recite the statistics, or recount the horror stories here, except to say that I met enough barren and cancer-ridden women in Iraqi Kurdistan to last me several lifetimes.

So: Saddam Hussein is uniquely evil, the only ruler in power today—and the first one since Hitler—to commit chemical genocide. Is that enough of a reason to remove him from power? I would say yes, if ''never again'' is in fact actually to mean ''never again.''

That is why every day this man remains in power is a day of danger for the American people, the Iraqi people, and, indeed, the people of the world.

Let me give you one more example that is as disturbing as aflatoxin. It is botulinum toxin, the cause of botulism, which comes from bacteria found in the soil. After the gulf war, United Nations weapons inspectors found that Iraq had produced tons of botulinum toxin, some of it loaded into missiles and bombs. Let me repeat. Years ago, inspectors found tons, some of it weaponized. So we know Saddam has experience with this weapon.

For smallpox, there is a vaccine. Anthrax and other bacterial agents can be treated with antibiotics. But botulism is a toxin, a poisonous chemical made by bacteria. Let than a handful of pure botulinum toxin, evenly dispersed in an aerosol, would be enough to kill more than a million people. The only treatment for botulism poisoning is an antitoxin made from horse serum, and it only works about half the time.

There is a horror story for every biological or chemical agent in this man's arsenal. I don't need to go through them all. We only need to understand that these horror stories could come true if we do not confront Saddam's devious designs.

Some insist, and I don't understand this claim, that chemical and biological weapons aren't all that troubling. They say we need only really worry about nuclear weapons.

Given what I have just explained, I think that is a dangerous assumption. But assume for a moment that Saddam has no chemical weapons and no biological weapons. Would there be cause for forceful United Nations action, and, failing that, American military action?

I say, yes, without a doubt.

There is now a consensus belief that Saddam could have an atomic weapon within months of acquiring fissile material. Based on the best estimates, his regime could manufacture the fuel itself within as little as 3 years. There is no way to measure now long it might take Saddam to acquire the fuel from an outside source. He could be attempting to do so as we speak. Indeed, it would be näive to assume otherwise.

This leads to a critical question, and perhaps the threshold question in the debate. How long do my fellow Senators suggest we wait? Until we know, beyond dispute, if there is ever such evidence beyond dispute, that Saddam is 1 month away from obtaining a nuclear weapon and the means to deliver it? Until we know beyond dispute that he is a week away? Or perhaps we should wait until he has it?

In 1996, the International Atomic Energy Agency, IAEA, reported that Iraq had all the materials for a bomb except for the fissile material itself—either plutonium or highly enriched uranium. It is now 6 years later.

The debate about whether Saddam is an ''imminent'' threat is an interesting one. What better defines imminence than the facts that I have just outlined?

In fact, we must admit that the only conclusive proof of imminence could come in the hindsight, when innocents are sorting through the rubble and counting the injured or the dead. As National Security Advisor Condaleeza Rice said, the smoking gun could be a mushroom cloud. Or add to that a yellow cloud of mustard gas, an invisible cloud of sarin gas, or the slow and silent spread of smallpox.

I know, despite all this evidence, much of which is beyond dispute, some say, ''There is no new evidence.''

I have two answers to that. One, we don't need new evidence. The existing evidence of his capabilities and intent is more than enough to paint a poisonous picture.

Two, there is, in fact, new evidence. For instance, the fact that, once acquiring fissile material, Saddam will be just months of developing a nuclear weapon, is new. And it underlines the urgency of defanging this dictator immediately.

In fact, here is a brief review what we know about what Saddam has done since the departure of the U.N. weapons inspections in 1998. British Prime Minister Tony Blair laid this out to the Parliament last month.

Since 1998, we know that Saddam has sought or attempted to buy: specialized vacuum pumps, the type needed for the gas centrifuge to enrich uranium; an entire magnet production lien of the type for use in the motors and top bearings of gas centrifuges; dual use products such as Anhydrous Hydrogen Fluoride and fluoride gas; a filament winding machine, which can be used to manufacture carbon fiber gas centrifuge rotors; 60,000 or more specialized aluminum tubes, which are subject to strict controls due to their potential use in the construction of gas centrifuges.

And Saddam has been trying to buy significant quantities of uranium, though we do not know whether he has been successful. Key personnel from his old nuclear weapons program are at work again. Iraq claims that this is for a civil nuclear power program but it has no nuclear powerplants.

We can search for the most innocuous possible explanation, of each and every disturbing piece of evidence, or we can look realistically at the totality of the evidence.

And what about delivery systems?

Iraq is supposed to only have limited missile capability for conventional weaponry. But we know that a significant number of longer-range missiles were concealed from the previous inspectors, including up to 20 extended range Scud missiles. We know that 2001, Iraq's plans entered a new stage and that now, the regime's development of weapons with a range over 600 miles. Hundreds of key personnel are working on the delivery systems.

The danger will not abate unless we make it abate. it will only grow. And we will be forced to simply wait and see how, when, and against whom Saddam will use these weapons.

What more do we need to know?

Some say that removing Saddam Hussein from power would compromise the wider war against terrorism. But to me, the two are inextricably linked.

First, remember that Iraq under Saddam is one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism. He provides aid, funding, and training to terrorists who have killed Americans and others. He hosted the Abu Nidal Organization, whose leader was found dead in Baghdad in August. He gives money to the families of Palestinian suicide bombers.

Second, Saddam himself meets the definition of a terrorist, someone who attacks civilians to achieve a political purpose. He has done so repeatedly against the Kurds in the north of Iraq, as well as against the Shi'a in the south. If he is willing to kill thousands of Iraqis, how many Americans or Europeans do we think he considers expendable?

Third, though the relationship between al-Qaida and Saddam's regime is a subject of intense debate within the intelligence community, we do have evidence of meetings between Iraqi officials and leaders of al-Qaida, and some testimony that Iraqi agents helped train al-Qaida operatives to use chemical and biological weapons. We also know that senior leaders of al-Qaida have been and are now harbored in Iraq.

It is not speculation to suggest that Iraq might pass chemical, biological,

or nuclear weapons to terrorists. It is realism.

There are other state sponsors of terrorism, all of which pose serious dangers to the security of America and the world.

But Saddam's is the only regime that combines a record of supporting terrorists with a history of killing and torturing dissidents, ambitions to dominate his region, growing stockpiles of chemical and biological weapons and a willingness to use them. That is why the danger he poses rises above the rest on the topography of terror.

In my view, if we remove his pernicious influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region, and advance the war against terrorism, not set it back as some have suggested.

In April 1917, in requesting a congressional declaration to enter what was then known as the Great War, Woodrow Wilson said, ''We act without animus, not in enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck.''

The same can be said if and when we must confront Saddam's brutal regime. We will not be fighting the Iraqi people. Our goal, to the contrary, will be to liberate the Iraqi people from tyranny even as we remove the threat from this rabid regime.

But we must prove that good and decent intent not only on the day we commit arms, if we must, on the day we win. We must prove our commitment to building a better nation for the Iraqi people on the day after the day after, and the day after that, when we will face, and help the Iraqi people to face, the broad range of humanitarian, economic, diplomatic, and political problems that will no doubt present themselves.

The wars we wage are measured by the quality of the peace that follows.

I know that some fear the future of Iraq post-Saddam. They fear the risks, the responsibilities, and the costs, so much that those fears of tomorrow lead them to justify inaction today. To me, post-Saddam Iraq is not a burden to be shunned but an opportunity to be seized. It must become a signal to the world, particularly the Islamic world, of our Nation's best intentions.

Indeed, post-Suddam Iraq will be a test of America and our values. We have barely earned a passing grade on our first test, in post-Taliban Afghanistan. We cannot afford to scrape and slip by again, because this time the stakes are higher, the stage larger, and the consequences of failure even more dire.

How do we lay the foundation for a civil and open society after the fighting stops and the likely celebrations in the streets subside?

First, we must we invest in Iraq's security. Some will be tempted to short-change our post-Saddam commitment by whittling down a security presence to the smallest possible size we think we can get away with, or by pulling our forces out the first open window.

But we must learn from Afghanistan, where, despite a brilliant military victory and early movements toward a stable and civil society, some big mistakes have been made.

Perhaps due to the Bush administration's stated aversion to nation building, we failed to establish a peacekeeping presence strong enough or geographically wide enough to tame the factionalism and ethnic conflict that have plagued Afghanistan for years. We failed to get ready to deal with the decrepit state of the nation's infrastructure caused by the long civil war that preceded our involvement. And, though our nations assisted us in our military victory, we did not leverage their investment to give them sufficient stake in a responsibility in a long-term peace.

As a result, the situation on the ground in Afghanistan is tenuous today. Warlords control the countryside. Hamid Karzai's rule in Kabul is uncertain. His ministers have been assassinated. Karzai himself came within a hair's breath of assassination. Have we lost the peace? No. But the current instability can, if left to fester, give rise to terrorism. oppression, and civil war.

It is not too late to correct our course. That is why Senator Hagel and I have sponsored the Afghanistan Freedom Support Act of 2002, currently before the Senate Foreign Relations Committee. The bill would commit to the country's stability, security, and democratic development by investing $2.5 billion over 4 years in economic, political, and humanitarian assistance, including a half billion dollars toward an enterprise fund for business development and job creation and $300 million in military and security assistance for police training and crime control. It would also urge President Bush to expand the international security force beyond Kabul, and, if that decision were made, would authorize $1 billion over the next two years to make that possible. This is extremely important legislation that deserves broad legislative and public support.

Now we must hear from the administration that they are ready with specific plans for Iraq that will not repeat the mistakes of Afghanistan.

In fact, we have to face the fact that the best-case military scenario—the rapid collapse of the Iraqi military and the swift capture or elimination of Saddam—would also present the most challenging security scenario.

The three most immediate security objectives will be securing all chemical, biological and nuclear weapons sites and relevant personnel, tracking down Saddam's remaining secret police, and preventing potential Iranian military interference.

Simultaneously, among the Iraqi people at large, U.S. forces must be ready immediately to shift gears to post-conflict operations, helping to restore order and handling humanitarian emergencies. Despite its tremendous training and talent, our military needs more specialized teams to take on this crucial job.

The administration should also work with non-governmental organizations to recruit Iraqi-American and other Arab-American volunteers who can help peacekeepers and humanitarian organizations communicate with the Iraqi people, distribute supplies, assist in healthcare delivery, and do other critical jobs. A similar volunteer program worked in the Balkans and can work again in Iraq.

Like the military campaign itself, stabilizing post-Saddam Iraq and tending to the Iraqi people will be aided dramatically if the United States is part of a international coalition, especially one that includes Muslim and Arab nations. That will make clear to Iraqis and the world that our enemy is Saddam and not the Iraqi people, and just as Saddam is a threat to the world, securing and rebuilding Iraq is the duty of the world.

The bottom line is this: While Afghanistan's growing instability is deeply troubling, allowing post-Saddam Iraq, which abuts Syria and Iran, Saudi Arabia and Jordan, Kuwait and Turkey, to fall into civil war or into the hands of another dictator would be disastrous. If post-Saddam Iraq unravels, as Afghanistan is at risk of doing, so will the credibility and the effectiveness of our wider war against terrorism. And we will be that much closer to a global civilization war.

Once security and stability are established in post-Saddam Iraq, we must begin to establish the foundation for democratic governance and the rule of law. I am pleased that the Bush administration has begun bringing key opposition groups together to lay what a foundation for an honest, effective, and representative government. Iraq is a divided nation, with at least three key regions and three key religious, ethnic, and political factions. But let's be clear. Post-Saddam Iraqi governance will take more than a couple of conference calls to get right.

And we must be very careful here. Our goal is not replacing Baghdad with New York on the Tigris. We do not want an American client state, and we can't expect a democracy that overnight looks exactly like ours. We must be realistic. This process will require the sustained guidance, partnership, and investment of our nation and our allies, working with the Iraqi people.

The war against terrorism, including this effort to disarm Iraq, is like no other war we have waged.

If we are true to our principles, we can again make the world a safer and better place, not only for us Americans but for people in Iraq and throughout the Arab and Muslim worlds, who deserve the freedom and opportunity that we declared at the birth of our Nation

226 years ago: the endowment each human being receives at birth from our Creator.

Mr. FITZGERALD. Mr. President, I rise today in support of the Lieberman-Warner resolution authorizing the use of force against Iraq. This resolution gives President Bush the flexibility he needs to address the threat posed by Saddam Hussein, including the authority to use military force as he deems appropriate, without ceding too much authority to the executive to wage war outside Iraq. I applaud Senators LIEBERMAN, WARNER, MCCAIN, and so many others who have worked with President Bush to reach an agreement on this critical issue.

I support the President's policy of regime change in Iraq to eliminate the threat Saddam poses to the U.S. and the world, and agree that time is of the essence. I was concerned that the administration's initial draft resolution was too broad, and called for tighter parameters on the Presidential mandate. The resolution now before us addresses my concerns by confining the scope of possible military action to Iraq, rather than the entire Middle East region.

Only last month we commemorated the one-year anniversary of the deadliest terrorist attack in our history. Today, we face a threat from a regime that would not hesitate to use weapons of mass destruction against our friends and allies, or against the United States itself, or transfer these weapons to terrorist groups that target Americans.

Saddam Hussein's track record is well-known to all. He ordered the use of chemical weapons—including sarin, VX, tabun, and mustard agents—against his own people, killing tens of thousands of innocent civilians. His regime invaded two neighbors and threatened others. In 1991, his troops were prepared to invade other countries, had they not been thwarted by the U.S.-led international coalition. His regime launched ballistic missiles at four of its neighbors—Israel, Saudi Arabia, Iran, and Bahrain. He ordered the assassination of opponents in Iraq and abroad, including a former president of the United States. His regime beat and tortured American POWs and used them as human shields during the 1991 Persian gulf war. His military continues to fire at U.S. and coalition aircraft patrolling the no-fly zones in northern and southern Iraq.

Based on the information presented to me in classified briefings, I share President Bush's assessment that Iraqi disarmament must be the objective. Weapon inspections alone will not achieve this goal, and a lengthy inspections regime could inadvertently give Saddam more time to stockpile and conceal weapons of mass destruction. After eleven years of lies and deception, we cannot expect that Saddam will reverse course and willingly disarm. Clearly, regime change in Iraq is the only way to end the threat Saddam Hussein poses to the United States and the world.

What has brought us to this point?

On March 3, 1991, Iraq, having been forced to abandon the territory it overran in Kuwait, agreed to the terms of a cease-fire offered by the allied forces. Since the cease-fire, Iraq has repeatedly violated a series of Security Council resolutions designed to ensure that Iraq submits to U.N. inspections, abides by the cease-fire agreement, dismantles its extensive weapons of mass destruction programs, and returns Kuwaiti and other nations' POWs, missing persons, and property seized during the gulf war. The United Nations has found Iraq in ''material breach of cease-fire terms'' on seven occasions, and Iraq remains in violation of the cease-fire to this very day.

For seven and one-half years, Saddam Hussein played a cat-and-mouse game with U.N. inspectors. The Iraqi regime misled, lied, intimidated, and physically obstructed the inspectors; and Iraqi scientists who provided information to the inspectors disappeared, most likely into Saddam's dungeons and execution chambers. The inspectors uncovered an enormous amount of biological and chemical weapons materials and production facilities, but by their own account they could not find everything. And any success they may have had was in large measure because Saddam feared a renewed military offensive by the United States. Finally, on November 11, 1998, following Iraq's announcement that it was prohibiting all U.N. inspections, weapons inspections in Iraq ceased. Under increasing international pressure, Iraq again agreed to allow inspectors full access, but then resumed obstructing their operations, and the United Nations withdrew the inspectors on December 15, 1998. Over the next 4 years, Iraq refused to admit weapons inspectors under the terms set forth by the Security Council.

Iraq has had 4 years to refine its techniques of deception. It defies common sense to suggest that a hundred or even a thousand U.N. inspectors could, with any assurance, succeed in finding small WMD stockpiles and facilities in a country the size of the state of California. Many former U.N. inspectors who experienced first-hand Iraq's lies and deceptions have come to the same conclusion.

We know that Saddam has chemical and biological weapons, and is developing nuclear weapons. These weapons would immediately threaten U.S. troops and our friends and allies in the region. A Saddam Hussein with nuclear weapons would radically alter the balance of power in the Middle East, requiring a profound shift in the deployment of American forces and undermine our ability to respond to other potential threats around the globe.

Saddam has worked with terrorist networks for many years. He harbored Abu Nidal, and is reportedly providing safe have to Abdul Rahman Yasin, a key participant in the 1993 World Trade Center bombing. Saddam has himself ordered acts of terror. He shares many objectives with groups like al-Qaida, and may decide to use terrorists to conceal his responsibility for an attack on the United States.

For 11 years, Saddam Hussein has thumbed his nose at the international community. Would it be prudent to continue what has failed for 11 long years? Would it be wise to give Saddam more time, which we know he will devote to realizing his greatest dream—to obtain the nuclear weapons that would allow him to dominate the Middle East with all of its oil and threaten to drive the United States out of a region that is vital to our security?

Never in our history have we been in a position where we could be blackmailed, under the threat of nuclear war, into withdrawing support for our closest allies or sacrificing our national security to prevent the death of millions. And yet this is the danger we face in as little as one year if we do not act to remove this looming threat. Time is not on our side; it is on the side of Saddam Hussein. We cannot wait for a smoking gun, because a gun smokes only after it is fired, and the smoke of a nuclear blast would mean that we are too late.

I applaud the President's decision to seek international support for regime change in Iraq, but U.S. action should not hinge on the endorsement of the United Nations. The United States is leading a coalition of international allies in the war on terror, not the other way around.

In the case of Iraq, U.S. national security interests should not be sacrificed if the U.N. cannot be persuaded of the urgency of this threat. It would be preferable to have U.N. support, but we have to be prepared to go it alone if necessary. We cannot give the United Nations veto power over our decisions to protect our national interests.

I remain concerned about our planning for the future of Iraq if we succeed in removing Saddam Hussein from power. Administration officials have presented a vision of a post-Saddam Iraq that is peaceful, democratic, and unified. Defeating the Iraqi military on the battlefield will not be easy, but ensuring a stable and friendly post-Saddam Iraq will pose even greater challenges, requiring careful planning by the administration in concert with our allies in the region. Iraq could rapidly slide into long-term political instability or even bloody war upon the collapse of the Baathist regime.

Iraq's population is made up of three main components: the Kurdish speaking people in the north, the Arab Sunnis in the center, and the Arab Shiites in the south who make up a majority—some 60 percent—of the entire population of the country. Many Shiites desire a theocratic government similar to that in neighboring Iran. The Kurdish leadership in the north may recognize that independence is an impossible dream, but their experience of ten years of self-government will

make their reintegration into a unified Iraq problematic at best. Arab Sunnis, fearing retaliation from the long-oppressed Shiite majority, may use the Sunni-dominated Iraqi military to keep the Shiites from gaining power. And while the overthrow of Saddam Hussein would involve the likely end to the Iraqi Republican Guard, the regular Iraqi army may remain to play a critical role in a post-Saddam Iraq. Yet the Iraqi army may become a den of coup-plotters; after all, Iraq endured a succession of bloody coups from 1953 until Saddam Hussein's ascent to power in the late 1970s.

Our military planning should be guided by an awareness that how Saddam's regime falls will shape the Iraq that follows. At some point the American people will need to know the nature and extent of America's commitment to a post-Saddam Iraq. How long will our troops be on the ground in Iraq? What material and financial resources will we be asked to provide to Iraq? What responsibility will the United States have to maintain peace in the region? What help will we get from our allies in rebuilding Iraq?

President Bush has exercised great leadership at a critical time in our history. I am proud to be a part of the debate we are having today in this chamber, which is a powerful demonstration of our democratic institutions. Ours is a nation that is slow to anger. Americans abhor war. I vote in support of this resolution, but hope and pray that the President, united with Congress, will succeed in averting war.

There is no question in my mind that we must disarm Saddam, and that time is running out. Clearly, there are risks involved. But I believe the risks of doing nothing are far greater.

I yield that floor.

The PRESIDING OFFICER. Under the previous order, the cloture motion is vitiated on Senate Joint Resolution 45.

The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 114.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. The clerk will read House Joint Resolution 114 for a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—77

Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Miller
Bayh	Feinstein	Murkowski
Bennett	Fitzgerald	Nelson (FL)
Biden	Frist	Nelson (NE)
Bond	Gramm	Nickles
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Campbell	Hatch	Schumer
Cantwell	Helms	Sessions
Carnahan	Hollings	Shelby
Carper	Hutchinson	Smith (NH)
Cleland	Hutchison	Smith (OR)
Clinton	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lieberman	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	

NAYS—23

Akaka	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Graham	Reed
Byrd	Inouye	Sarbanes
Chafee	Jeffords	Stabenow
Conrad	Kennedy	Wellstone
Corzine	Leahy	Wyden
Dayton	Levin	

The joint resolution (H.J. Res. 114) was passed.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

Under the previous order, S.J. Res. 45, as amended, is indefinitely postponed.

UNANIMOUS CONSENT AGREEMENT—S. 3009

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide a 13-week extension for unemployment compensation, and that the bill be read the third time and passed.

The PRESIDING OFFICER (Ms. LINCOLN). Is there objection?

Mr. NICKLES. Madam President, reserving the right to object—and I shall object—this is not a 13-week extension, it is a 26-week extension, plus an additional 7 weeks for some States. It changes the threshold. It costs $17 billion. A clean extension would be $7 billion.

I will be happy to work with my colleagues to come up with something more reasonable and affordable. This bill before us, S. 3009, is not. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

ASSISTANCE TO AFGHANISTAN

Mr. DASCHLE. Mr. President, it is now just more than a year since our Armed Forces started Operation Enduring Freedom in Afghanistan. This is a fitting time to look back at what we have accomplished, and ahead at the challenges that remain.

I am reminded of a young Army private from Midland, SD, whom I met in Uzbekistan last February. He had gone to Uzbekistan just after completing a tour of duty in Bosnia, foregoing leave, because, he told me, that is where our country needed him.

I am certain that each member of this body knows someone from his or her State who has made a contribution to our successful effort in Afghanistan. On behalf of every member of the Congress and the American people, let me say how proud and grateful we are for those efforts.

Our military quickly and effectively accomplished its objective of removing the repressive Taliban regime. The challenge before us now is whether we can promote peace and economic and political stability as effectively as we waged and won the war. I am pleased to see the senior Senator from Vermont on the floor. I am wondering if he would engage in a brief colloquy with me on the subject of our humanitarian and reconstruction efforts in Afghanistan.

Mr. LEAHY. Yes, I would.

Mr. DASCHLE. As our colleagues know, Senator LEAHY is the Chairman of the Foreign Operations Subcommittee. Two weeks ago, I listened with interest to the Senator's speech on Iraq, part of which he rightly dedicated to the situation in Afghanistan. Afghanistan is our first, and most visible effort in the war on terrorism. The eyes of the region and the world are watching whether we are willing to do what is needed to follow through in Afghanistan. I would like Senator LEAHY to, once again, share his views on the developments in Afghanistan.

Mr. LEAHY. I thank the distinguished majority leader for his question. Much has been accomplished in Afghanistan over the course of the last year. The brutal Taliban regime has been vanquished to the ash heap of history. Thousands of Afghans have returned to their homes, and our humanitarian efforts have raised the standard of living of many Afghans.

We have spent billions to win the war. I fear, however, that unless we dramatically increase our efforts there we could lose the peace. The humanitarian situation in Afghanistan remains critical. Thousands of people are still homeless and as winter comes, so too will the very real threat of widespread hunger, even famine. Afghans whose homes were mistakenly bombed have not been helped. There are reports

that some Afghans are starting to return to refugee camps in Pakistan. It is a very dire situation.

We have a moral duty to help the people of Afghanistan. Beyond that, there are critical U.S. interests at stake in ensuring that this country becomes peaceful and prosperous. That's why I was pleased when, earlier this year, President Bush called for a Marshall Plan for Afghanistan.

I commended him for that important announcement, but since that time we have not seen the resources put behind these statements. No one is asking the Administration to spend 13 percent of the entire federal budget, as we did with the original Marshall Plan. But the Administration did not even ask Congress for a single cent for Afghanistan in its budget for fiscal year 2003. The Foreign Operations Subcommittee was advised informally that the Administration planned to spend $98 million for relief and reconstruction activities in Afghanistan. The Subcommittee felt that this amount was still insufficient to adequately address the needs in Afghanistan, and provided $157 million, an additional $59 million.

I would also add that the Senate is not alone in its concern for the situation in Afghanistan. Just yesterday, I received a letter from the President of CARE, a non-partisan, relief organization with significant operations in Afghanistan, which stated:

> President Bush has committed the United States Government to work ''in the best traditions of George Marshall'' and help the people of Afghanistan rebuild their country. For this goal to be achieved, CARE believes that the international community, led by the United States Government, must do two things. We must provide at least $10 billion in reconstruction funding over the next five years, and we must respond positively to the requests of the Afghan Government to expand the International Security Assistance Force beyond Kabul as part of a comprehensive plan to improve security for all Afghans

This letter goes on to say that a CARE report, ''finds that the U.S. Government has actually exceeded its one-year Tokyo pledge of $297 million, primarily in the form of humanitarian assistance. Our concern, however, is that the Administration, to date, has not made any long-term commitment to Afghan reconstruction.''

Mr. DASCHLE. I thank the Senator from Vermont. There is clearly still much to be done in Afghanistan.

Mr. LEAHY. I agree with the majority leader. As I have said over and over, it is one thing to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting. If such nations cannot successfully rebuild, there is a real risk that they will once again become havens for terrorists.

Mr. DASCHLE. I would like to ask the Senator from Vermont if the Congress provided additional funding for Afghanistan in the Supplemental Appropriations bill that was passed earlier this year. Isn't it true that the Congress fully funded the Administration's request for a range of activities in Afghanistan during fiscal year 2002? And weren't you subsequently told by officials in the State Department and USAID that this request was not nearly enough to address some of the most acute problems in that country? And isn't it true that the Congress added $94 million for humanitarian, refugee, and reconstruction assistance to Afghanistan, only to be told later by the President that he would not provide this additional assistance to Afghanistan?

Mr. LEAHY. That is correct. Now, some relief organizations have already been told that they may have to shut down programs for lack of funds. This is happening in a country that desperately needs the most basic staples such as water, education and medical care.

I agree with those who point out that many other nations have yet to fulfill pledges of assistance to Afghanistan. But, if the President is serious about a Marshall Plan, and I believe he is right, then we need to do much more to help rebuild that country.

Mr. DASCHLE. I agree with the Senator. We need to find additional resources for humanitarian efforts in Afghanistan, but I know that the Senator, like me, is concerned about the deteriorating security situation. For months, in the form of letters to the Administration and amendments here on the Senate floor, we have been urging the President to expand the International Security Assistance Force beyond greater Kabul. Coalition forces provide much needed security throughout the country, but significant concerns remain, highlighted by the assassination attempt on President Karzai just last month. I know that the Senator agrees with me that expanding ISAF could play a central role in improving this worsening security situation.

Mr. LEAHY. I strongly agree with the Majority Leader and thank him for this colloquy.

REVISED ALLOCATION TO SUBCOMMITTEES FOR FISCAL YEAR 2003

Mr. BYRD. Mr. President, on Thursday June 27, the Committee on Appropriations, by a unanimous roll call vote of 29 to 0, approved the allocation to subcommittees for fiscal year 2003.

On Wednesday July 26, after Congress adopted the conference report to accompany H.R. 4775, the fiscal year 2002 supplemental appropriations bill, I submitted a revised allocation which was modified primarily to conform outlays to the outcome on the supplemental.

Today I submit a revised allocation which has been modified, primarily, to reduce outlays for each subcommittee to reflect the President's decision to release none of the contingent emergency appropriations in the supplemental. In addition, the allocation reflects final decisions on the conference report on defense and military construction appropriations bills.

These revised allocations were prepared in consultation with my dear colleague, Senator STEVENS, the distinguished ranking member of the Committee, who stands with me committed to presenting bills to the Senate consistent with the allocations.

Furthermore, we remain committed to oppose any amendments that would breach the allocations.

SENATE COMMITTEE ON APPROPRIATIONS—REVISED FY 2003 SUBCOMMITTEE ALLOCATIONS, DISCRETIONARY SPENDING

($ millions)

Subcommittee	Budget authority	Outlays
Agriculture	17,980	18,195
Commerce	43,475	42,937
Defense	354,830	348,828
District of Columbia	517	582
Energy & Water	26,300	25,835
Foreign Operations	16,350	16,443
Interior	18,926	18,547
Labor-HHS-Education	134,132	126,321
Legislative Branch	3,413	3,467
Military Construction	10,499	10,071
Transportation	21,600	61,984
Treasury, General Gov't	18,501	17,970
VA, HUD	91,434	96,945
Deficiencies	10,132	13,366
Total	768,089	801,491

Revised on October 10, 2002.

RETIREMENT OF SENATOR JESSE HELMS

Ms. SNOWE. Mr. President, I rise today in tribute to Senator JESSE HELMS, who as we know is retiring from the U.S. Senate at the end of this Congress.

Simply put, the name ''JESSE HELMS'' has become a household name because he has never been afraid to stand by his principles. Indeed, throughout his five terms in the Senate, Senator HELMS has been a passionate voice for those ideals by which he has lived his life.

And that is a critical distinction—Senator HELMS has not only propounded certain values and philosophies, he has also lived them. He has always enjoyed the kind of unique credibility that comes from integrity—a personal quality that Senator HELMS has carried with him from his very first days in Monroe, NC.

This is a man for whom service is a higher calling, a commitment not only reflected by his years in elective office, but also—and at least as importantly—by his service in the Navy from 1942 to 1945. One cannot help but feel that Senator HELMS later brought the reality of that experience significantly to bear in his legendary work on matters of international import.

When I first came to Congress in 1979, I of course knew of Senator HELMS. And as I worked in the House on State Department authorizations over the years as well as a variety of global issues as a member of the Foreign Affairs Committee and Ranking Member of the International Operations Subcommittee, I became even more familiar with his profound interest in, and impact on, international affairs.

When I came to the Senate, I became a freshman member of the Committee on Foreign Relations, and the Chair of the International Operations Subcommittee. Throughout that time—and ever since Senator HELMS has been relentlessly gracious to me, as he had been whenever we had worked together on various conference committees back when I was in the House.

Here in the Senate, we worked hand-in-glove on the State Department reauthorization, and I appreciated the opportunity he gave me to chair a full committee hearing with then-Secretary Albright on the issue of intelligence sharing with the U.N. in the wake of our involvement in Somalia.

That was a serious concern that he and I shared—how would we protect U.S. intelligence information, particularly in light of the intelligence breach that had taken place in Somalia, where the U.N. had documents they should not have had which were also not properly secured. Issues brought to our attention during that hearing with Secretary Albright were eventually incorporated into the State Department bill.

During my tenure on the Foreign Relations Committee, I worked with Senator HELMS on the reorganization of the State Department, which was passed in 1998. As Chair of the International Operations Subcommittee I also introduced legislation in 1995 to create Terrorist Lookout committees in our embassies. With the help of Senator HELMS, this bill was incorporated in the State Department Authorization Act of 1996–1997, that was subsequently vetoed.

In the wake of 9/11, I re-introduced this legislation with Senator HELMS as a cosponsor and worked with him to seek its inclusion in the USA PATRIOT Act passed last year. With his support, this bill has finally become law as part of the Enhanced Border Security and Visa Entry Reform Act.

Of course, it will come as no surprise that we didn't agree on all the issues. But it can truly be said he has left his mark on the global landscape. And that includes his introduction of legislation last year to prevent mother-to-child transmission of HIV infection—a goal I share by providing $700 million in international emergency AIDS spending.

It is also true that agreement is not the test of friendship or respect in this body—nor should it be. Indeed, this body was founded on the ideals of debate and deliberation among men and women of good conscience who feel strongly about the pressing matters of the day.

I appreciate his candor, his friendship, and his service to North Carolina, America and indeed the world. On the occasion of his retirement, I would like to extend my best wishes to him, as well as his wife Dorothy with whom he has such a special and loving relationship. Senator HELMS will truly be missed, but most assuredly never forgotten.

TRIBUTE TO SEN. STROM THURMOND

Mr. SHELBY. Mr. President, I rise today to pay tribute to South Carolina Senator STROM THURMOND, an institution unto himself who has served with distinction in the U.S. Senate for almost a half-century. Senator THURMOND is the longest-serving member in the history of the Senate and the second Senator in history to cast 15,000 votes. During his tenure, Senator THURMOND has been a enduring witness to history, presiding over the chamber during a tremendous transformation of the American landscape. During this time, Senator THURMOND has steadfastly remained responsible to the voters of South Carolina, who have returned him to the chamber time and time again. Senator THURMOND's enduring legacy will continue on well beyond his retirement at the end of the 107th Congress.

Senator THURMOND was born in 1902, in Edgefield, SC. His early years were spent as an Army reservist, teacher, superintendent and lawyer. Senator THURMOND won election to the South Carolina State Senate in 1933, representing his home district of Edgefield for the next five years. Senator THURMOND then became a Circuit Judge of South Carolina, just as the clouds of war descended over Europe. Never one to shy away from his duty to his country, Senator THURMOND sought and received an exemption to return to military duty. On June 6, 1944, he landed in Normandy on D-Day with the 82nd Airborne Division at the age of 42. For his service in World War II, Senator THURMOND earned eighteen decorations, medals and awards, including the Purple Heart, Legion of Merit with Oak Leaf Cluster and Bronze Star for Valor. He returned to South Carolina a war hero, and was elected Governor of the Palmetto State in 1946. In 1954, Senator THURMOND was elected to the United States Senate, becoming the first, and so far, the only politician elected to the Senate as a write-in candidate.

Senator THURMOND has dedicated his life to preserving, defending and participating in our democracy. He attended the Democratic National Convention in 1932 and voted for Franklin D. Roosevelt. Sixty four years later, he attended the Republican Convention and voted for Bob Dole. In fact, Senator THURMOND was a Democrat for thirty two years and has been a Republican for the past thirty eight. Through it all, he has managed to remain relevant, active and a force on the national scene. Just two years ago, he played a critical role in helping to line up Republican support for George Bush in the South Carolina primary, helping to secure his nomination for President of the United States.

Senator THURMOND'S countless achievements and awards are a testament to his distinguished career in public service. He holds thirty four honorary degrees, is in the South Carolina Hall of Fame, and is a recipient of the Presidential Citizens Award, Presidential Freedom Award, as well as other major awards from American Legion, VFW, DAV, AMVETS, the National Guard, Army and Navy associations, farm groups, business groups, education groups and several foreign countries.

It is with great admiration for Senator THURMOND'S longevity and service that I commend him for his distinguished career in Congress. No one in the history of the Senate can say that they gave more of their life to this body, and while his presence may be gone after the 107th Congress, his spirit will forever remain a part of this chamber. I wish he and his family all the best in the future.

THE JUDICIARY COMMITTEE'S 100TH VOTE IN 15 MONTHS ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today marks the 15-month anniversary of the reorganization of the Senate Judiciary Committee following the change in the Senate majority last summer. This week also became another milestone as the Judiciary Committee voted on the 100th judicial nominee of President George W. Bush. This historic demonstration of bipartisanship toward this President's judicial nominees has been overshadowed by partisan attacks in this very chamber and in the press.

I have worked diligently along with the other Democratic Senators on the Judiciary Committee to hold a record number of hearings for this President's district and circuit court nominees during the past 15 months and to bring as many as we could to a vote this year. Given all of the competing responsibilities of the committee and the Senate in these times of great challenges to our Nation, hearings for 103 judicial nominees, voting on 100, and favorably reporting 98 is a record of which the Judiciary Committee and the Senate can be proud. We have transcended the relative inaction of the prior 6½ years of Republican control by moving forward on judicial nominees twice as quickly as our predecessors did. Indeed, the Senate has already confirmed more judicial nominees in 15 months than the Republican-controlled Senate did during its last 30 months. More achieved, and in half the time.

The raw numbers, not percentages, reveal the true workload of the Senate on nominations and everyone knows that. Anyone who pays attention to the federal judiciary and who does not have a partisan agenda must know that. In addition, Democrats have moved more quickly in voting on judicial nominees of a President of a different party than in any time in recent history. Led by Majority Leader DASCHLE, the Democratic majority in the Senate has confirmed 80 judicial nominees, including 14 circuit court nominees, for a President of a different party, in just 15 months since the reorganization of the Judiciary Committee. In comparison,

in the first two full years of President George H.W. Bush's administration, the Democratic-led Senate confirmed 71 judicial nominees. In fact, during the first 15 months of the first Bush Administration, only 23 judges were confirmed, with eight to the circuit courts. Our confirmation of 80 of President George W. Bush's judicial nominees in just 15 months is historic progress for a President and a Senate led by different parties.

Apparently, however, Republicans believe that there is partisan hay to be harvested in complaining that every single judicial nominee has not yet been confirmed. The fact is that we have proceeded with hearings for 103 of the 110 judicial nominees eligible for hearings 94 percent, for those focused on percentages. The other 17 judicial nominees who have not participated in a hearing either lack home-state consent or peer reviews or both. Thus, when partisans harp on the nominations of Terrence Boyle and Carolyn Kuhl and other nominees without home-State Senator support, they know they are being misleading. Senator HATCH never proceeded on a nomination without home-State Senator support and acknowledges that this is the Senate's tradition. At least six of the President's circuit court nominees fall into this category and, for many if not all of them, the White House knew about the lack of home-State Senator support before the nominations were made.

The committee has voted on 100 of the 103 judicial nominees eligible for votes—97 percent. Of those voted upon, 98—98 percent have been reported favorably to the Senate. In addition to the 80 judges already confirmed, another 18 approved by the Judiciary Committee await Senate action on the Senate Executive Calendar.

It is disappointing that the Republican leader and others are reported to have said that they will not be allowed Senate votes before we adjourn. Earlier this year the majority leader had to work through a problem caused by the administration's failure to work with Senators on executive branch appointments. The majority leader was required by Republican objection to invoke cloture in order to vote on President Bush's judicial nominations. Whether there is time left in this session to overcome Republican objections to action on the roster of President Bush's judicial nominations currently on the calendar is problematic.

To date, and unlike the recent past, every judicial nominee who participated in a hearing has been considered and voted upon by the Judiciary Committee but for the three controversial circuit court nominees we continue to consider.

I know that Senator THURMOND is very disappointed that we could not bring his choice for the Fourth Circuit to a vote this week. I regret that he is upset. The nomination of his former aide for a promotion to the Court of Appeals has grown more controversial. On our committee, as on all committees, controversy takes a toll in the time needed for action on a bill or on a nomination. Members of the committee need time to fully evaluate the merits of concerns about this nomination raised by hundreds if not thousands of citizens from throughout the Fourth Circuit and the Nation. In accordance with our responsibilities under the Constitution to evaluate these nominations for lifetime appointments, the members of the committee continue to work diligently on simultaneously evaluating three controversial circuit court nominations.

As much as I personally would have liked to resolve this nomination by now at the request of the distinguished Senior Senator from South Carolina, and as hard as I have worked to resolve the problems with it, we were not able to vote on it this week. I worked hard to try to move the nomination of his former aide forward to a vote up or down but, with war resolutions pending before the Senate and limited time for debate this Tuesday, I had to make a difficult decision. Seventeen relatively noncontroversial judicial nominations were ready for committee votes this week. I decided to try to bring some relief to 17 vacant seats in district courts across our country rather than begin what promised to be a lengthy and inconclusive debate about Judge Shedd's record as a Federal district court judge and whether he should be elevated. That was a tough decision for me, personally, but the rising tide of citizen distress over the Shedd nomination made bringing that vote to a conclusion an impossibility this week.

Republican efforts to gain some political advantage for this difficult situation are especially unfounded given the stark contrast between what we have achieved in the past 15 months compared with the most recent period of Republican control of the committee. In the 15 months before the reorganization of the Judiciary Committee after the shift in Senate majority, the Senate confirmed only 32 judicial nominees, including three to the circuits. Under Democratic leadership, we have already confirmed 80, including 14 to the circuit courts, in just 15 months. Even if we compare our record with a period of Republican control that is twice as long—the last 30 months of Republican control—our predecessors confirmed only 72 judges, while in half the time, we have confirmed 80. Alternatively, if we go back and compare the Republicans' first 15 months of Senate control in 1995 and 1996, we have accomplished far more: more hearings, 26 versus 14, for more judicial nominees, 103 versus 67, with more committee votes, 100 versus 61, for more confirmations, 80 versus 56. We have reached the century mark for committee votes in less than half the time, 15 months, while it took our predecessors 33 months to vote on 100 judicial nominees.

In another departure from the past, we have had hearings even for several controversial judicial nominees and brought them to votes this year. Most were voted out of committee despite their controversy. Given the number of vacancies that we inherited—110—concentrating on the most controversial, time-consuming nominations would have been to the detriment of the courts. The President has made a number of divisive choices—divisive to the American people and divisive to the Senate—for these lifetime seats on the courts, and they take more time to bring to hearings and votes. None of these nominees, however, have waited as long for hearings or votes as did some of President Clinton's judicial nominees, such as Judge Richard Paez, who waited 1,500 days to be confirmed and 1,237 days to get a final vote by the Republican-controlled Senate Judiciary Committee, or Judge Helene White, whose nomination languished for more than 1,500 days without ever getting a hearing or a committee vote.

As frustrated as Democrats were with the lengthy delays and obstruction of scores of judicial nominees in the prior 6½ years of Republican control, we never attacked the Chairman of the Committee in the manner Republicans chose this week. Similarly, as disappointed as Democrats were with the refusal of Chairman HATCH to include Allen Snyder, Bonnie Campbell, Clarence Sundram, Fred Woocher and other nominees on an agenda for a vote by the committee for months following their hearings, we never resorted to the tactics and tone used by Republicans in committee statements, in hallway discussions, in press conferences or in Senate floor debate. We never tried to override the chairman's prerogative to set the agenda for consideration of judicial nominees by trying to manipulate the committee's cloture rule. We did not try to use the committee rule to hold off consideration of an agenda item for at least a week to force either legislation or nominations to be voted on in one week's time. During Republican rule, even some uncontroversial nominees like Judge Kim Wardlaw were held over more than once. We also never sought to invoke Senate Rule 26.3 to make an end-run around Chairman HATCH—even when weeks and months passed without a single nominee on the agenda or when nominees who had hearings went for months without being placed on the agenda. As frustrated and disappointed as we were that the Republican majority refused to proceed with hearings or votes on scores of judicial nominees, we never sought to override Senator HATCH's judgments and authority as chairman of the committee.

Some in the other party have spared no efforts in making judicial nominations into a partisan, political issue, all the while refusing to acknowledge the progress made in these past 15 months when 100 of President Bush's judicial choices have had committee

votes. We have perhaps moved too quickly on some, relaxing past standards, being more expeditious and generous than Republicans were to a Democratic President's nominees, and trying to take some of them at their word that they will follow the law and the ethical rules for judges.

Just last week, on October 2, 2002, we confirmed Ron Clark to an emergency vacancy in the United States District Court for the Eastern District of Texas. Two other judicial nominees, Larry Block and Judge James Gardner, were confirmed the very same day. The commissions for Judge Block and Judge Gardner were signed by the President on October 3, but the judge for the emergency vacancy in the President's home state was not. Just this week we learned that Mr. Clark was quoted as saying that he asked the White House to delay signing his commission while he runs as a Republican candidate for re-election to a seat in the Texas legislature. The White House apparently has been complicit in these unseemly political actions by a person confirmed to the federal bench. Mr. Clark, who the Senate has confirmed to a seat on the Federal district court in Texas, has been actively campaigning for election despite his confirmation.

These actions call into question Mr. Clark's ability to put aside his partisan roots and be an impartial adjudicator of cases. In his answers under oath to the committee, he swore that if he were ''confirmed'' he would follow the ethical rules. Canon 1 of the Code of Conduct for United States Judges explicitly provides that the Code applies to ''judges and nominees for judicial office,'' and Canon 7 provides quite clearly that partisan political activity is contrary to ethical rules. In his answers to me, Mr. Clark promised: ''[s]hould I be confirmed as a judge, my role will be different than that of a legislator.'' Yet now that he is confirmed, he has been flaunting his written statements to me personally and to the Senate Judiciary Committee and, by proxy, to the Senate as a whole. That the White House would go along with these partisan ploys reveals much about the political way this administration approaches judicial nominations.

Senators KENNEDY and SCHUMER have written a letter of complaint to the Fifth Circuit Judicial Council, which has jurisdiction over ethical complaints arising in that jurisdiction. I ask unanimous consent that the letter and a newspaper report of the Clark scandal be included in the RECORD. Tonight, only after this scandal came to the Nation's attention in today's news account in the New York Times, the President has apparently signed Mr. Clark's commission.

With a White House that is politicizing the Federal courts and making so many nominations, especially to the circuit courts, to appease the far-right wing of the Republican Party, it would be irresponsible for us to simply rubber-stamp these nominations for lifetime appointments to our independent Federal judiciary. Advice and consent does not mean giving any President carte blanche to pack the courts with ideologues from the right or the left.

I have worked hard to bring to a vote an overwhelming majority of this President's judicial nominees, but we cannot afford to make errors in these lifetime appointments out of haste or sentimental considerations, however well intentioned. To help smooth the confirmation process, I have gone out of my way to encourage the White House to work in a bipartisan way with the Senate, as past Presidents have, but, in all too many instances, the White House has chosen to bypass bipartisan cooperation in favor of partisanship.

The American people expect the federal courts to be fair forums and not bastions of favoritism on the right or the left. These are the only lifetime appointments in our whole system of government, and they matter a great deal to the future of each and every American. I will continue to work hard to ensure the independence of our Federal judiciary.

U.S. SENATE,
Washington, DC, October 9, 2002.

The Hon. CAROLYN DINEEN KING,
Chief Judge, U.S. Court of Appeals for the Fifth Circuit, New Orleans, LA.

DEAR CHIEF JUDGE KING: We write to raise an ethics issue regarding Ronald W. Clark, who was nominated by President Bush on January 24 and confirmed by the Senate on October 2, to be a judge on the U.S. District court for the Eastern District of Texas, but whose commission has not yet been signed by the President.

It has come to our attention Mr. Clark continues to hold his seat in the Texas state legislature and continues to campaign for re-election to that seat. Although Mr. Clark does not officially become a federal judge until he takes the oath of office, his continuing campaign activities appear to be in clear violation of Code of Conduct for Untied States Judges. The commentary to Code of Conduct makes clear that the Canons of Ethics define judicial nominees as judges and bind them to the same ethical rules. Canon 7 of the Code states that ''a judge should refrain from political activity'' and should not ''act as a leader or hold any office in a political organization; make speeches for a political organization, or candidate or publicly endorse or oppose a candidate for public office; [or] solicit funds.'' Canon 7 goes on to state that a judge ''should not engage in any other political activity.''

Traditionally, this provision has been construed to have limited application to nominees. Because of the contingent nature of the Senate confirmation process, it would be unfair to require nominees to resign from elective office merely upon being nominated. But once the President's nominees are confirmed by the Senate, the process loses its uncertainty. The only step between nominee and judge is a ministerial act that should be completed promptly, and not delayed for partisan or political reasons.

Despite the clear applicability of the Code of Conduct, Mr. Clark continues to be a candidate for re-election to the Texas House of Representatives. This matter is of grave concern to us. As Members of the United States Senate Judiciary Committee, we take our Constitutional confirmation responsibilities seriously. Mr. Clark's continued candidacy appears to be a flagrant violation of the judicial code of conduct, which is deeply troubling. Judges should be paragons of ethics, and Mr. Clark's actions do not set a sterling standard at the outset of his judicial career.

According to the Code of Conduct, complaints of ethical misconduct may be lodged with the Circuit council, which we understand you chair. We would appreciate your prompt consideration of this inquiry, and we look forward to hearing from you in the near future.

Sincerely,

CHARLES E. SCHUMER,
U.S. Senator.
EDWARD M. KENNEDY,
U.S. Senator.

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

[From the New York Times, Oct. 10, 2002]

BUSH ACTING TO FORESTALL AN ISSUE IN TEXAS

(By Neil A. Lewis)

WASHINGTON, OCT. 9.—The White House moved quickly tonight to quash a politically embarrassing problem with one of President Bush's nominees to a federal court seat.

Although the nominee, Ron Clark, was confirmed by the Senate earlier this month to be a federal district judge based in Texas, he was out campaigning today for re-election as a state representative from his district north of Dallas. Mr. Clark had said he might want to delay taking his seat on the bench to serve one more term in the State Legislature, where his vote might be crucial to Republicans winning the speakership.

Two Democratic Senators, Charles E. Schumer of New York and Edward M. Kennedy of Massachusetts, complained about Mr. Clark's actions today, saying they were a blatant violation of judicial ethics, a view with which some legal scholars agreed. The senators wrote to Carolyn D. King, the chief judge of the United States Court of Appeals for the Fifth Circuit based in New Orleans, asking her to evaluate whether Mr. Clark had violated the judicial canons of ethics even before he had put on his robe.

By evening, the White House intervened, saying President Bush would soon sign the formal commission for Mr. Clark, the last step in making him a federal judge.

In an interview earlier today, Mr. Clark said he was just playing it safe.

''If the president signs the certificate then, I'll move forward,'' he said before going out to a campaign appearance in which he presented a flag to some cub scouts. He said he had no control over Mr. Bush's actions and ''right now, I'm running for state representative.''

Mr. Clark said he had been trapped by circumstances because he was confirmed on Oct. 2 and the last date for withdrawing from the ballot under Texas law was Sept. 3. ''There is no legal way to take it off, so I'm in the race, until Election Day,'' he said. Asked if he intended to keep campaigning for re-election, he said: ''Oh, yes, I go to functions, go block walking, that sort of thing.''

Mr. Clark has asserted that he did not know why Mr. Bush had not yet acted, yet he was quoted in this week in Texas Weekly, a political journal, as saying he had asked the White House to delay signing his commission so he could serve another legislative term. Ross Ramsey, the journal's editor, who wrote the article, said Mr. Clark had told him he would be interested in serving through May, when the 20-week session is expected to end.

In his article, Mr. Ramsey said Mr. Clark's presence in the Legislature when it convenes

in January might be crucial to Republican hopes to retain the speakership in what is expected to be a close race.

Senators Schumer and Kennedy, both of whom serve on the Judiciary committee, said in their letter that Mr. Clark's legislative campaign ''appears to be in clear violation of the Code of Conduct for United States Judges.'' The canons mandate that ''a judge refrain from political activity.''

Steven Gillers, the vice dean of the New York University Law School and an authority on ethics, said that provisions in both the federal and state codes of conduct mandated that Mr. Clark resign his political office. The Texas code, he said, makes it clear that a candidate for a judicial office has to behave as a judge in avoiding politics. The federal rules require a judge to resign from office when he or she becomes a candidate for political office.

''While a person seeking a judgeship may have an argument that he not give up a political office, this man is, for all intents and purposes, a judge,'' Mr. Gillers said.

Erwin Chemerinsky, a visiting law professor at Duke University, said Mr. Clark seemed to be using the formality of Mr. Bush's signature to avoid his obligations.

''But judicial ethics is all about removing judges from politics,'' Mr. Chemerinsky said, and given that Mr. Bush is the president who appointed him, Mr. Clark should not run for office.

Senate Republicans and President Bush have said that there is an urgent need to fill federal judgeships and that action is being blocked by the Democrats who have opposed several of the president's nominees.

In fact, today, at a White House celebration of Hispanic Heritage Month, Mr. Bush criticized the Senate's handling of his nomination of Miguel Estrada to a seat on the United States Court of Appeals for the District of Columbia.

''There are senators who are playing politics with this good man's nomination,'' the president said. ''There are senators who would rather not give him the benefit of the doubt, senators looking for a reason to defeat him as opposed to looking for a reason to herald his intelligence, his capabilities, his talent. I strongly object to the way this man is going to be treated in the United States Senate.''

The Judiciary Committee recently held a hearing on Mr. Estrada's nomination but has not scheduled a vote.

PALESTINIAN SUICIDE BOMBER

Mr. MCCONNELL. Mr. President, as the Senate debates the resolution authorizing the use of force against Iraq, yet another Palestinian suicide bomber killed himself and an innocent bystander in Israel. Twenty-nine others were reportedly injured in that attack.

Those who believe that Saddam Hussein's murderous regime poses no immediate threat to America or our allies would be wise to consider the evidence seized by Israeli forces in their own war against terrorism. According to recent press reports, Iraqi Vice President Taha Yassin Ramadan personally directed the transfer of funds to the families of suicide bombers in amounts ranging from $10,000 to $25,000. The delusional butchers in Baghdad may view this money as a sort of ''martyr fund'', in reality it is no more than a ''murder fund.''

Palestinian and Iraqi extremists are cut from the same cloth as the al-Qaida terrorists who attacked our shores. As a threat to human life and decency, there is only one way to deal with these fanatics and that is to destroy them.

The innocent victims of this latest suicide bombing are in my thoughts and prayers. I ask all my colleagues to join me in honoring all those killed by terrorists in the United States and abroad, particularly in Israel.

SENATOR BYRD: ELOQUENTLY RESISTING THE RUSH TO WAR

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend our outstanding colleague, Senator ROBERT BYRD, for his thoughtful and eloquent op-ed article in The New York Times this morning. In his article, Senator BYRD rightfully condemns the failure of Congress to take adequate time to exercise our all-important constitutional responsibility in deciding whether or not America should go to war with Iraq.

Instead of fairly assessing the full consequences of the administration's proposal, Congress is allowing itself to be rushed into a premature decision to go to war. Many of us agree with Senator BYRD, and so do large numbers of Americans across the country.

We owe the Senate and the Nation a more thoughtful deliberation about war. Senator BYRD's article is a powerful statement urging Congress not delegate our constitutional power to the President, and I ask unanimous consent that it be printed in the RECORD.

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

[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 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 stampeded 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 the 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 posted by Iraq.'' This broad resolution underwrites, promotes and endorses the unprecedented Bush doctrine of preventive war and preemptive strikes—detailed in a recent publication, ''National Security Strategy of the United Staets''—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 form 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.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 20, 2000 in New York NY. Amanda Milan, a 27-year-old transgendered woman, died after her throat was slashed with a knife outside the Port Authority. Witnesses say that a group of taxi drivers cheered and applauded as the crime was committed and shouted anti-

transgender remarks. One of the perpetrators shouted phrases like ''You're a man!'' and made crude reference to the victim's gender. Three men were arrested in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ISRAELI-PALESTINIAN CONFLICT

Mr. HOLLINGS. Mr. President, during the summer I cautioned that we had problems: the terrorism war, the Middle East, Iraq, and we needed to put first things first. Success in the terrorism war depends in large measure on the cooperation and support of the Arab world. Obviously, this support would sharply diminish with an invasion of Iraq. The Israeli-Palestinian conflict had gotten out of hand with daily suicide bombings and we needed to stablize the peace process before invading. More importantly, I was convinced that any imminent threat from Saddam would be handled by Israel without debate. I ask unanimous consent a copy of these thoughts published in the Charleston, SC Post and Courier back in August be printed in the RECORD.

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

[From the Post and Courier, Aug. 30, 2002]

ISRAEL-PALESTINE CRISIS, NOT SADDAM, SHOULD BE BUSH'S PRIORITY

(By Senator Ernest F. Hollings)

We have problems:

(1) The Muslim extremists' attack on 9/11 starting the Terrorism War.

(2) The Israeli-Palestinian conflict.

(3) The Saudi Arabian and other Muslim support of terrorists.

(4) At the same time, the need for Muslim support in the Terrorism War.

(5) Iraq.

For the moment, the Iraq problem is easily solved. Our friend Israel, with its Mossad Intelligence, knows the Iraqi threat—nuclear, chemical, or biological. In 1981, they didn't wait for the nuclear plant to be completed in Baghdad. They knocked it out and today stand ready to knock out such a threat again. We can depend on Israel for this. But Israel must depend on America to get it out of its present fix. Prime Minister Sharon's approach to peace—bulldozing homes, sending in gun ships, and reoccupying Palestinian territories—is creating more terrorists than are being eliminated. We must put first things first. Secure Israel and deal later with Saddam. Mention the Middle East and the extremes take over. There are those who want to eliminate Israel; and those who want to prevent a Palestinian state. It's important to remember a few historical ''non-extremes'':

(1) We supported the settlement of Holocaust survivors into the Middle East, and the United States and the United Nations recognized the State of Israel.

(2) Egypt, Syria, Jordan and the Palestinians went to war with Israel over this and Israel won.

(3) As a result, the Palestinian losers have been holed up in Gaza and the West Bank for 35 years. The Israelis use the Palestinians in Israel as a workforce, but Palestinian living conditions in Gaza and the West Bank have been semi-prisoner and now prisoner.

(4) Israel and the world leadership recognized that the condition of the Palestinians could not be sustained and all have announced for a Palestinian state.

Trying to define a Palestinian state and guaranteeing the security of Israel at the same time has always been tenuous. Anwar Sadat tried and was assassinated. Yitzhak Rabin tried and was assassinated. In forming the state of Israel, Palestinians were scattered to Lebanon, Syria, Jordan, Egypt, Kuwait and the world around. Many still consider themselves refugees and live for the day that they can return to Israel. They feel the U.S. support for Israel prevents that return. This enmity toward the U.S. in exacerbated by our support of the corrupt government of Saudi Arabia.

The Saudis are two-faced. They maintain the kingdom by financing the clerics and Madrassa schools against the ''Great Satan'' United States while securing their national defense from the United States with cheap oil. Not surprisingly 15 of the terrorists on September 11th were from Saudi Arabia. A feeling of hopelessness has developed in Gaza and the West Bank. Youngsters with nothing to lose willingly give their lives to terrorize Israel.

Frustration with the United States' support of Israel is exemplified by attacks on the World Trade Towers in 1993, on our barracks in Lebanon and Saudi Arabia, our embassies in Kenya and Tanzania, the consulate now in Pakistan and martyrs willingly giving their lives to blow up the USS Cole, the Pentagon and again the World Trade Center. A cause against Israel and the United States has developed in the Muslim world. A recent Gallup poll in Pakistan shows that 80 percent of the people in Pakistan consider Osama bin Laden a war hero.

When President Bush took office, he was determined not to pursue President Clinton's full-court press for peace in the Middle East. He applied ''benign neglect'' for 16 months. Now that it has his attention, he dismisses the problem by calling for the removal of the elected leader of the Palestinians and the forming of a democratic government in three years. In the Middle East forming a democracy would be more like 30 years. And the best way to guarantee the continuation of Yasser Arafat is for the U.S. president to call for his removal.

Whining, ''they hate us,'' we refuse to discuss or recognize the Palestinian cause. The cause must be confronted. ''You can't kill an idea with a sword.'' The Terrorism War won't be won militarily. Our foreign policy must not be left to the extremes, Sharon and Arafat. Five years from now, 10 years from now, 50 years from now there will be an Israel and there will be a Palestine. The only course is for the Israelis and the Palestinians to learn to live together. For this to occur, President Bush must personally meet with the Middle East leaders and work out a realistic step-by-step institution for the security of Israel and the State of Palestine. Only after that can America get the support we need around the globe for the Terrorism War and the overthrow of Saddam.

Mr. HOLLINGS. The President's policy is correct, but his implementation miserable. One would hope that, with an imminent threat, the Congressional leadership is corralled quietly, briefed, and allies consulted for whatever action is taken. On the contrary, this President started off by threatening friends and foes alike blabbing, ''You are either with us or against us,'' ''We are the world superpower,'' ''I don't need the U.N.,'' ''I don't need the Congress.'' He seemed totally oblivious to the fact that he is going in two different directions at the same time. Success in the war on terrorism is largely dependent on support of the Arab world, but with the President's abruptness and braggadocio, that support could disappear with the invasion of an Arab country. The President thinks leadership is announcing without any massaging. His policy of preventive war was made to appear that war was our first choice. At one time the President managed to have the international community united against us.

Now, it seems that President Bush has been housebroken on foreign policy. He has asked for the approval of Congress; he has presented his case to the United Nations; and, amazingly, last week said that for the United States, ''War is the last option.'' In turn, some of our European allies have come on board so that we now have a coalition, the United Nations is strengthening its inspection resolution and finally—itself. The resolution of approval by the Congress for the President to take action has now been changed to make sense. While the threat is not imminent, the goal is desirable and the failure of Congress and the President to move together at this point would seriously damage our creditbility and cause us irreparable harm in foreign affairs.

LIGHTS ON AFTER SCHOOL! DAY

Mr. DODD. Mr. President, I rise to recognize today as Lights On After School! Day. Lights On After School! is a project of the Afterschool Alliance to open the doors of after-school programs around the country to neighbors, community leaders, and the media so that everyone understands the importance of after-school programs to providing children of working parents with a safe place to be until their parents are home and providing all children with cultural and academic opportunities. Last year, more than 400,000 people participated in Lights On After School! events and I hope that even more will participate this year.

I have been a longtime supporter of the 21st Century Community Learning Centers program, which provides federal support for local after-school centers. For years, I have worked hard, as have many others, including Senator JEFFORDS and Senator BOXER, to increase support for these centers. And, with the appropriation having grown from $750,000 in fiscal year 1995 to $1 billion in fiscal year 2002, I think we've been phenomenally successful. I'm very disappointed that the President wants to freeze support for these programs, but I'm pleased that the Senate Appropriations Committee's education appropriations bill increases funding for

fiscal year 2003 by $90 million. I hope that we can do even better in the end.

I can think of few programs with as wide-ranging support as these centers. Parents, teachers, youth groups, law enforcement, and others all recognize that providing extensive, effective after-school programs is one of the most important things we can do to support working parents and to help our children be safe and reach their potential in school and in life.

As evidence, a survey taken in August by the Afterschool Alliance found that nine in ten voters agree that there should be organized activities for children and teens after school every day that provide opportunities for them to learn.

By more than two to one, voters disagree with the President's proposal to freeze federal funding for after-school programs, and sixty-three percent are concerned that existing programs may have to reduce their services or close their doors due to lack of increased funding.

More than nine in ten voters who have children in after-school programs believe that their children are safer and less likely to be involved in juvenile crime than children who aren't in after-school programs.

Finally, 92 percent of these parents say their children do better in reading, writing and math because of afterschool programs, and 87 percent say that their children are less likely to use alcohol and drugs because of afterschool programs.

I thank the Afterschool Alliance for all their work, and urge my colleagues to join me in commemorating Lights On After School!

Mrs. BOXER. Mr. President, I would like to take this opportunity to discuss an issue of great importance to our Nation's children: afterschool programs. Children are much more likely to be involved in crime, substance abuse, and teenage pregnancy in the hours after school. In fact, about 10 percent of violent juvenile crimes are committed between 3 p.m. and 4 p.m. alone. The Urban Institute estimates that at least 7 million and as many as 15 million ''latchkey kids'' go to an empty house on any given afternoon. These children need a place to go—an empty house should not be an option.

It is essential that we provide children with organized activities or programs to go to during the critical afterschool hours. According to the Departments of Education and Health and Human Services, extracurricular activities like those provided by afterschool programs have proven to reduce the number of students likely to use drugs by 50 percent and the number of students likely to become teen parents by 33 percent. Furthermore, studies have shown that students who participate in extracurricular activities have better grades, feel greater attachment to school, have lower truancy rates and reach higher levels of achievement in college.

We have made great progress in the last 5 years toward making these kinds of programs more widely available. Through the 21st Century Community Learning Center Program, federal support for local afterschool programs increased from $1 million in fiscal year 1997 to $1 billion in fiscal year 2002. As a result, over 900 communities across the Nation are now providing their children with a positive alternative to unsupervised care. In addition, Senator ENSIGN and I offered an amendment to the Leave No Child Behind Act to increase funding for afterschool programs. As enacted, the bill will raise afterschool funding to $2.5 billion by the year 2007.

To highlight the growing need for afterschool programs, the Afterschool Alliance—a nonprofit organization dedicated to ensuring that all children and youth have access to quality, affordable afterschool programs by the year 2010—has announced the third annual nationwide day of awareness for afterschool programs called ''Lights On After School!.'' Today, schools, community centers, museums, libraries, and parks across America will host activities to inform families about the places currently open to children after school and the need to provide additional centers where children can participate in engaging, stimulating activities until their parents return from work.

I applaud the Afterschool Alliance for recognizing the important role of afterschool programs in the lives of children, families, and communities, and I enthusiastically support the effort to build awareness through ''Lights On After School!.'' Promoting the safety and well-being of our children is the best way to ensure that they have a genuine opportunity to succeed.

CATOCTIN MOUNTAIN NATIONAL RECREATION AREA

Mr. SARBANES. Mr. President, on October 1, I introduced legislation, together with Senator MIKULSKI, to redesignate Catoctin Mountain Park as the Catoctin Mountain National Recreation Area.

Catoctin Mountain Park is a hidden gem in our National Park System. Home to Camp David, the Presidential retreat, it has been aptly described as ''America's most famous unknown park.'' Comprising nearly 6,000 acres of the eastern reach of the Appalachian Mountains in Maryland, the park is rich in history as well as outdoor recreation opportunities. Visitors can enjoy camping, picnicking, cross-country skiing, fishing, as well as the solitude and beauty of the woodland mountain and streams in the park.

Catoctin Mountain Park had its origins during the Great Depression as one of 46 Recreational Demonstration Areas, RDA, established under the authority of the National Industrial Recovery Act. The Federal Government purchased more than 10,000 acres of mountain land that had been heavily logged and was no longer productive to demonstrate how sub-marginal land could be turned into a productive recreational area and help put people back to work. From 1936 through 1941, hundreds of workers under the Works Progress Administration and later the Civilian Conservation Corps were employed in reforestation activities and in the construction of a number of camps, roads and other facilities, including the camp now known as Camp David, and one of the earliest, if not the oldest, camps for disabled individuals. In November 1936, administrative authority for the Catoctin RDA was transferred to the National Park Service by Executive Order.

In 1942, concern about President Roosevelt's health and safety led to the selection of Catoctin Mountain, and specifically Camp Hi-Catoctin as the location for the President's new retreat. Subsequently approximately 5,000 acres of the area was transferred to the State of Maryland, becoming Cunningham Falls State Park in 1954. The remaining 5,770 acres of the Catoctin Recreation Demonstration Area was renamed Catoctin Mountain Park by the Director of the National Park Service in 1954. Unfortunately, the Director failed to include the term ''National'' in the title and the park today remains one of eleven units in the National Park System, all in the National Capital Region, that do not have this designation.

The proximity of Catoctin Mountain Park, Camp David, and Cunningham Falls State Park, and the differences between national and State park management, has caused longstanding confusion for visitors to the area. Catoctin Mountain Park is continually misidentified by the public as containing lake and beach areas associated with Cunningham Falls State Park, being operated by the State of Maryland, or being closed to the public because of the presence of Camp David. National Park employees spend countless hours explaining, assisting and redirecting visitors to their desired destinations.

My legislation would help to address this situation and clearly identify this park as a unit of the National Park System by renaming it the Catoctin Mountain National Recreation Area. The mission and characteristics of this park, which include the preservation of significant historic resources and important natural areas in locations that provide outdoor recreation for large numbers of people, make this designation appropriate. This measure would not change access requirements or current recreational uses occurring within the park. But it would assist the visiting public in distinguishing between the many units of the State and Federal systems. It will also, in my judgment, help promote tourism by enhancing public awareness of the National Park unit.

I urge approval of this legislation.

ECONOMIC GROWTH NOW

Mr. EDWARDS. Mr. President, today the members of the Senate are focused on Iraq. There's no task more serious than deciding whether to send our young men and women into harm's way. My position is clear: The time has come for decisive action to eliminate the threat of Iraq's weapons of mass destruction once and for all.

But as we act to defend America's interests abroad, we must also act to make America strong at home. With 8 million people out of work and millions more struggling to make ends meet, our government is falling down on the job of protecting economic security. To restore an economic environment where businesses are creating jobs and parents are earning a better living for their children, I believe we need to act, and act now. I want to explain very specifically why and how we should act. And I call on the President and my colleagues to join together immediately to take decisive action.

Nobody is a greater optimist about America's future than me. Our long-term economic outlook remains strong because our free enterprise system remains strong—our spirit of innovation, our leadership in new technologies, and of course our people's hard work and productivity.

But sound economic fundamentals and strong economic growth are not things we can take for granted. They are things we have to work for.

Like all Americans, I have hoped that our economy is on the way to a speedy recovery. While I continue to hold out hope, I do not believe that hope can stand in the way of action any longer. There is too much uncertainty and there are too many disturbing signs. Economic indicators that had started to turn up, including consumer confidence and manufacturing, have turned back down again. Many industries, particularly telecommunications, have far too much capacity, and they will continue to cut back in order to restore profitability. Job growth remains stagnant, and CEOs report that they are planning to cut jobs rather than hire. As more and more Americans worry about their prospects, the last bulwark of the economy, consumer spending, shows signs of weakening.

We should not overreact. We need to keep our faith in the fundamental strength of our economy. But we cannot turn away from the reality we face. This administration has spent months saying that recovery is just around the corner, but wishful thinking will not create jobs, pay the bills, or get the economy going again.

America is right to prepare for action against Iraq. But we ought to apply that same logic to our economy. If you look at the recent economic evidence, the risks of inaction on our economy now outweigh the risks of action. We cannot wait until thousands more people lose their jobs before taking steps to defend our economic security. We can and should take preemptive action against this economic slump.

The President's plan is: Do nothing to promote economic growth in the short-run, and pretend that deficit-exploding tax cuts for the wealthiest will promote economic growth in the long-run. That is wrong for our economy and our security.

What our economy needs is the reverse prescription: a shot-in-the arm in the short-term, and a tighter grip on fiscal discipline in the long-term.

Contracting the economy in this environment makes no economic sense. On the other hand, stimulating the economy while exploding the long-term deficit would be self-defeating. The loss of confidence in long-term fiscal discipline can undermine both long-term confidence and short-term progress.

With a shot-in-the-arm now and a tighter grip on fiscal discipline in the long run, we can have the best of both worlds. Right now, we can increase demand, prevent a negative or even deflationary cycle, create jobs, and get incomes growing again. In the long run, we can get back to balanced budgets and maintain the investment climate we need for prosperity.

Let me be very specific about what we should do.

On the long-run side, we have to take two major steps. Number one, we have to tackle excessive spending by restoring the budget enforcement rules that have lapsed. Congress should not go home without making sure these rules are back in place. If Congress and the administration can't agree on spending bills before the election, let us at least show the voters that we are serious about holding down spending.

Number two, we must ask our most fortunate citizens to forgo the full extent of future tax cuts. Since the President took office, a $5.6 trillion surplus has almost entirely disappeared, and the biggest single reason was a tax cut whose full cost was over $2 trillion. As I have said before, we need to ask Americans at the very top of the economic ladder to live with smaller tax cuts than the tax bill passed last year. If we stop cuts in the top two rates, eliminate new deductions for very high-income earners, and triple the estate tax exemption without repealing it, we can save over $1.3 trillion in the next two decades.

This kind of fiscal discipline will have at least five advantages for our country: Number one, it will help bring us back to the strong economic fundamentals that led to growth during the 1990s. Number two, it will enable us to save for grave national security needs. Number three, it will help us save Social Security and address the coming explosion of baby boom retirements. Number four, it will reduce our dependence on foreign capital. Number five, it will allow us to confront emergencies when we need to. The fiscal surplus inherited by President Bush has helped our country to meet its challenges since September 11. Restoring long-term fiscal discipline will help us meet the challenges of the future.

To meet the challenge of today, we need decisive action that satisfies two basic principles. First, we should provide an efficient and effective spur to the economy. Second, the effect must be immediate and temporary—with incentives for business investment and consumer demand that will jumpstart the economy now, and get out of the way when they are no longer needed.

We all have to admit that the stimulus package of last spring did not meet that test. In the fall, I advocated a stimulus package that would have provided greater depreciation in the near-term, then tapered off quickly. That package would have been efficient and temporary. Unfortunately, the President and his party blocked proposals like that because they supported special-interest giveaways that the independent Congressional Budget Office found to be the most ineffective on the market. While we all hoped for the best, the business incentives that eventually passed did not create the surge our country needed. In addition, the tax rebates bypassed in part or in full 50 million Americans who would have been most likely to spend the money and increase economic activity.

This time, we should do it right. Here is how.

First, and most important, we have to make sure the economic uncertainty and higher energy prices we're likely to face this winter don't hurt the economic confidence and consumer spending that have been so critical over the last year. Today, I am proposing a one-time refundable energy tax cut of $500 per family. This tax cut will put money into the pockets of Americans who will spend it where they need it most: to pay their heating bills; make their homes more energy-efficient, and prevent higher energy prices from squeezing out other vital needs. Unlike last year's rebate, this energy tax credit will leave no American behind.

Earlier this week, this administration's own experts said that families in the Midwest will be paying 19 percent more for natural gas and 22 percent more for heating oil. Increases in the Northeast will be even higher. All the price hikes will fall particularly hard on the elderly, who have watched their life savings disappear in the stock market and have no way to make up the lost income.

Americans are prepared to sacrifice to win the war on terrorism and in Iraq. But America can win a war without leaving old people to cut back on their medicine to keep from shivering in the dark. We can protect people against rising oil prices and, at the same time, reduce our country's dependence on Middle Eastern oil. This administration approaches energy the same way it approaches the economy: doing nothing in the short-term and ignoring the big problems in the long-term. That is wrong.

I also continue to believe we should take the steps to stimulate the economy that the administration failed to take earlier this year. To encourage businesses to invest, we should raise the bonus for investing in new equipment from 30 percent to 45 percent—a 50 percent increase—but do it through June 30 of next year only. This will do what the administration's stimulus has failed to do so far: persuade businesses to get off the fence and put their money to work in our economy.

We also should act to prevent painful property tax increases and education cuts at the State level, giving States relief to deal with what the Wall Street Journal this week said is a $58 billion budget gap. The Senate has already acted to provide relief in the quickest possible way—through the Medicaid program—and there is no excuse for further delay.

Last but not least, we have to change a terrible reality: At a time when the index of Help Wanted listings is at historic lows, we are set to cut off unemployment benefits for nearly a million out-of-work Americans just three days after Christmas. These are good people who want nothing more than to get back to work. Last September, 800,000 Americans had been out of work for 6 months or more. By December, that total will have climbed to over 2 million. We have to do what is right for the workers who have done the worst in this economy and extend their benefits. They are sure to pump the money right back into our economy.

I call on the President and my colleagues in both parties to put politics aside and come together immediately to take these urgent steps to get our economy going again. Americans deserve nothing less from us.

HISPANIC HERITAGE MONTH

Mr. CRAIG. Mr. President, as the ranking member of the Special Committee on Aging, and in honor of this year's Hispanic Heritage Month, I rise today to give special recognition to 104-year-old Jose Rodriguez, who recently has been determined to be the Oldest Hispanic American now living in my State of Idaho. In honoring one man, Jose Rodriguez, this Nation honors all Americans of Hispanic descent.

Hispanic Heritage Month began on September 15 a day which marks the anniversary of independence for five Latin American countries Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. Mexico achieved its independence on September 16, and Chile on September 18.

This being a Nation of immigrants, it is only fitting that Jose Rodriguez is himself an immigrant from Mexico. Some of us have been blessed by being born in Idaho. Others, like Jose, have been wise and bold enough to journey, sometimes great distances, to claim these blessings. He chose Idaho because Idaho was in his heart a place where family, faith, and freedom flourish.

Jose was born in Doctor Arrollo, in the State of Nuevo Leon, Mexico, on March 19, 1898. In 1913, at the tender age of 15, he joined in the Mexican revolution led by Pancho Villa. He arrived in the United States in 1922 and settled in Eagle Pass, TX. He married his wife Guadalupe, who he knew from childhood, in 1929. They had seven children together: Five sons and two daughters. While his wife passed away a few years ago and he misses her, Mr. Rodriguez enjoys his more than 80 grandchildren and numerous great-grandchildren, who carry on his legacy.

In the 1950s, Mr. Rodriguez moved his family to Idaho where he worked as a farm worker and crew leader for most of his life. According to one of his sons, the hallmark of Jose's life has been his generosity. He is a man known to help others, especially those in need.

Still living independently today, Mr. Rodriguez spends summers in Idaho with his son Meliton and winters in Arizona with his daughter Marina. Jose still cares for himself, takes daily walks, and credits his long life to, in his words, ''God's good will and living a healthy life.'' That is what aging should be.

That type of wonderfully positive outlook have no doubt contributed to his longevity.

When Jose Rodriguez was born, Idaho had only been a State for 7 years and 8 months. That year, the first photographs taken with a flashbulb were produced and 1,000 automobiles were manufactured, up from a total of 100 the year before. Around that time, a child born in the United States was expected to live less than fifty years. Jose, a child born in Mexico, has more than doubled that expectation.

Jose is part of a large and growing population of Hispanic Americans throughout the nation and especially in Idaho. Within the past decade, the Hispanic population in Idaho has doubled from approximately 50,000 in 1990 to more than 100,000 today. Nationwide, there are now some 26 million people of Hispanic origin in the United States approximately ten percent of the American population. We honor their contributions during Hispanic Heritage Month, which have maintained America's tradition as a rich, cultural melting pot and strengthened our shared national values.

Jose is a trendsetter in another way. Following his example, the number of centenarians those 100 years old or older has grown to 50,000 Americans today. In the next 50 years, according to Census Bureau estimates, there will be between 800,000 and one million people 100 years or older living in the United States.

Jose Rodriguez is a man of honor. It is with great pride that I rise today to recognize him, and I thank him for allowing me this privilege.

LOW-FAT, LOW-CALORIE CUISINE

Mr. SPECTER. Mr. President, today at the weekly Thursday Republican Lunch group, Lifestyle Advantage from Highmark Blue Cross/Blue Shield, in collaboration with Dr. Dean Ornish, served a gourmet, low-calorie, virtually no-fat, lunch with the following menu: Tuscan Vegetable Minestrone, Roasted Vegetable Lasagne, Caesar Salad, Apple-Raisin Strudel, Vanilla ala mode with caramel sauce.

As explained by Ms. Anna Silberman and Ms. Marlene Janco, Executives of Lifestyle Advantage/Highmark, the lunch contained approximately 450 calories compared to about 850 calories with regular ingredients.

There was real enthusiasm among the 27 Republican Senators who were very complimentary about the taste, elegance, and healthy content of the cuisine.

When one senator was being served the apple-raisin strudel with vanilla ice cream—actually ice milk—topped by caramel sauce and was told it was fat-free and low-calorie, he replied:

''Next they'll want to sell me the Brooklyn Bridge.''

When assured that it was fat-free and low-calorie, he was very much impressed. Other senators marveled at the tastiness of the caesar salad, especially contrasted to its ordinarily high-caloric content. The Tuscan vegetable minestrone had a special quality with roasted vegetables. Again, the roasted vegetables in the lasagne made it especially tasty.

The Capitol dining service is now considering adding to the regular menu on both the House and Senate sides low-fat, low-calorie tasty cuisine as demonstrated by today's lunch.

ADDITIONAL STATEMENTS

IN RECOGNITION OF JOSEPH TORREZ

• Mr. DOMENICI. Mr. President, today I honor the accomplishments of Principal Joseph Torrez of Tucumcari, NM, who is in the Nation's capital today to be recognized as the 2002 New Mexico National Distinguished Principal of the Year. He was one of 63 principals from across the country who will be honored by the United States Department of Education and the National Association of Elementary School Principals.

Joseph is a product of the New Mexico higher education system, having received both his undergraduate degree and Master's degree from New Mexico Highlands University. Since completing his master's degree, he has dedicated his life to educating New Mexico's children. As a language arts teacher at Taos High School, Thoreau High School and Memorial Middle School in Las Vegas, NM, he has touched the hearts and minds of his students, while generating interest and enthusiasm in learning.

Three years ago Joseph agreed to move from the classroom to the principal's office. In this role he has shown leadership skills that have earned him the respect of parents and teachers alike.

One of his many accomplishments is the development of a program that targets at-risk kids by providing them with after-school activities. These include recreation, assistance with school work, and instruction on ways to become involved as volunteers in the community.

This program is not limited simply to the children in these families, however. He has used money from a state grant to assist parents of his students obtain the skills needed to succeed in the workforce.

Joseph's contributions to the community are not limited simply to his work in the Tucumcari schools. He has also encouraged his students to aid the local homeless shelter, collect food, and visit senior citizens.

I commend Joseph for his hard work and dedication to help students, their parents and the community of Tucumcari. Joseph has set the bar for excellence through his exemplary efforts. He has used creative and innovative means to improve the lives of his students and beyond, through reaching out to the community.

I am proud to honor Principal Joseph Torrez, our 2002 New Mexico National Distinguished Principal. On behalf of the Senate and New Mexico, I thank this fellow New Mexican for making a difference in our children's lives.●

NORTH DAKOTA'S 164TH INFANTRY REGIMENT

● Mr. DORGAN. Mr. President, it was 60 years ago that 2,000 men from North Dakota's 164th Infantry Regiment performed heroically in a savage battle in the South Pacific. It marked the first time the U.S. Army launched an offensive operation in that war and stands today as a critical juncture in World War II.

Coming from almost every city and village in North Dakota, the members of the 164th Infantry were North Dakota's National Guard and traced their unit's heritage to the Indian wars on the American frontier. Its history was one of distinction, most notably marked by a spectacular ten Medals of Honor its men won in the Philippines in 1899.

Called to active duty early in 1941, the North Dakotans were ordered to the West Coast the day after Pearl Harbor, and landed in the South Pacific in the spring of 1942.

Meanwhile, on the island of Guadalcanal, U.S. Marines had begun America's first offensive action against Japan. By autumn, it was a precarious deadlock and the 164th Infantry was sent in October 13. By noon it had its first casualty. Corporal Kenneth Foubert of Company M of Grand Forks, North Dakota, was killed in a bombing run by Japanese planes. As Japanese ground patrols tested U.S. positions, the 164th Infantry advanced, the first unit of the Army to go on the offensive in WWII.

An intense Japanese attack, the largest battle fought on Guadalcanal, occurred October 24–25. In ''Citizens as Soldiers,'' a history of the North Dakota National Guard, authors Jerry Cooper and Glenn Smith tell how a battalion of the 164th Infantry was sent to reinforce the Marines. Despite the blackness of night, made darker by a heavy tropical rain, the 164th Infantry, over narrow trails slippery with mud, followed its Marine escorts to the front line, holding on to the backpacks of the man in front of them to avoid being lost.

Fighting side by side with the Marines, the 164th Infantry poured relentless fire through the night into continuous waves of oncoming Japanese. At dusk of the next day, the Japanese attacked again. The situation was precarious and cooks, messengers, and clerks manned positions and waited for the worst. Even the musicians of the North Dakota band were pressed into service as litter bearers. Every member of the 164th had a role in that battle, the fiercest of the campaign.

At one outpost, 18 Marines, many seriously wounded, were surrounded. The 164th Infantry's Sgt. Kevin McCarthy of Jamestown, ND, used a small, lightly armored, open topped vehicle to make repeated trips to the desperate men and, under heavy fire, rescued them all. For his bravery, he was awarded the Distinguished Service Cross.

By dawn, it was clear the enemy had suffered a disastrous defeat. In front of the 164th Infantry were 1,700 dead Japanese. The North Dakota unit, meanwhile, suffered only 26 killed and 52 wounded.

Impressed, the Marines' commanding general sent the North Dakotans a message that said the Marines ''salute you for a most wonderful piece of work. We are honored to serve with such a unit. Our hat is off to you.''

Lt. Col. Robert Hall of Jamestown, ND, received the Navy Cross for his leadership of the battalion during this crucial action.

The fight for Guadalcanal continued into November when the 164th was assigned to drive Japanese defenders off a series of ridges. From November 20–27, the battle raged. It was the bloodiest week of the entire war for the unit. More than 100 men were killed and some 200 wounded. Not until February did the Japanese finally flee the island.

It was none too soon. Guadalcanal had taken its toll. The 164th was no longer combat effective. It was down to less than two-thirds its authorized number. Most men had lost 20 pounds or more. They suffered from malaria, heat exhaustion, exotic tropical diseases. All told, the unit buried 147 men on the island, had 309 wounded, and another 133 casualties from shock, trauma, and neurosis.

It was little wonder that the Americans called the island ''green hell'' and Japanese referred to it as the ''island of death.''

The regiment received a Presidential Unit Citation for its outstanding contributions and personal plaudits from General George Marshall, chairman of the Joint Chiefs of Staff, and Admiral William Halsey, commander of the South Pacific forces. For Guadalcanal, men of the regiment won a Navy Cross, five Distinguished Service Crosses, 40 Silver Stars, more than 300 Purple Hearts, and many Soldier's Medals and Legions of Merit. One of its proud boasts was that it would leave no one behind and, indeed, it had no men missing in action.

The survivors are now old men. They have had America's hat tipped to them before, but they deserve it again, one more time before they leave us to rejoin their comrades, brave young men who left North Dakota on troop trains in the bitter February cold so long ago to answer their Nation's call.●

COMMEMORATING THE BIRTH OF GEORGE ROGERS CLARK

● Mr. LUGAR. Mr. President, I rise today to speak about an important event in Indiana, the 250th birthday of George Rogers Clark. Vincennes University, located in Vincennes, IN, is hosting a celebration that will be held on November 19, 2002. I am pleased to add my voice to those honoring a man who is one of the greatest figures in American frontier history.

George Rogers Clark was born on November 19, 1752, to John and Ann Rogers Clark. Although Clark was literate, he was not known as a scholar. Instead, like George Washington, he took an interest in surveying, a high risk profession that presented the possibility of great reward. Surveying required intelligence, determination, physical strength, resilience, and a thorough knowledge of wilderness survival skills.

When the Revolution began, the Virginia legislature appointed Clark to the position of Commander of the Frontier Militia. He set out, in May 1778, with a small force to battle the British and their Native American allies. During the summer, Clark and his troops ousted the British from Kaskaskia, Cohokia, and Vincennes.

On December 17, 1778, British Lt. Governor Henry Hamilton and his troops retook Fort Sackville, the important stronghold in the City of Vincennes. Clark led about 170 men on a grueling 18-day winter trek from Kaskaskia, through present day Illinois, up to Fort Sackville. Clark and his men moved relentlessly, braving cold weather and crossing freezing rivers, in an effort to stop further British incursions. Then, in a brilliant maneuver, he duped the British into believing that he had gathered a considerably larger militia than he actually had. This tactic worked, and Lt. Governor Henry Hamilton surrendered Fort Sackville to Clark on February 25, 1779. For the next several years, Clark conducted successful campaigns against

the Shawnee. He and his forces maintained control of most of the Northwest. This success not only had military significance, but it also strengthened America's post-war claims to the western territories. During this period, Clark spent his own money to help maintain his small army.

George Rogers Clark's courage and leadership have been recognized and carefully remembered in the Hoosier State. President Franklin Roosevelt dedicated the memorial of George Rogers Clark in the City of Vincennes on June 14, 1936. This memorial is the focal point of George Rogers Clark National Historical Park that had 128,000 visitors last year.

I appreciate the efforts of Vincennes University and the George Rogers Clark National Historical Park to honor this remarkable man and his contributions to American history. This event will be a testament to the exceptional accomplishments and overall character of George Rogers Clark and his men.●

THE AWARDING OF THE 2002 NOBEL PRIZE IN CHEMISTRY TO PROFESSOR JOHN B. FENN

● Mr. LIEBERMAN. Mr. President, I rise today to express my heartfelt congratulations to a former long-time Connecticut resident and member of the Yale University faculty, Professor John B. Fenn, for being jointly awarded the 2002 Nobel Prize in Chemistry, the world's highest honor for scientific achievement.

I cannot imagine another person for whom this prestigious award is more richly deserved. Professor Fenn has conducted pioneering research on powerful analytical methods for studying biological macromolecules such as proteins. His work has revolutionized the development of new medicines and has broken new ground in the early diagnosis of certain cancers. The possibility of analyzing proteins in detail has led to an increased understanding of the processes of life. Because of the advances resulting from Professor Fenn's work, researchers can now rapidly and simply identify the constituent proteins contained within a substance. They can also create three-dimensional pictures showing what protein molecules look like in solution in order to better understand their functions within a cell. In addition to assisting the diagnosis of breast and prostate cancer, applications of this groundbreaking area of research are also being reported in other areas; for example, foodstuff control, pharmaceutical development, environmental analysis, and the diagnosis of malaria.

Mass spectrometry is a very important analytical method used in practically all chemistry laboratories the world over. This process lets scientists rapidly identify a substance and is used in areas such as testing for doping and illegal drugs. For much of the 20th century, the technique had been used to identify only small-or medium-sized molecules. In the latter half of the 1980s, Professor Fenn and his colleague Koichi Tanaka, with whom he is sharing the prize, developed methods that make it possible to analyze biological macromolecules as well. Professor Fenn has been honored for finding ways to extend the technique to large molecules by making the individual molecules separate and spread out as a cloud in a gas without losing their original structure. In the method that he published in 1988, electrospray ionisation—ESI—charged droplets of protein solution are produced which shrink as the water evaporates. Eventually, freely hovering protein ions remain, and their masses may then be determined by setting them in motion and measuring their time of flight over a known distance.

Professor Fenn received a B.A. in chemistry from Berea College in 1937 and a Ph.D. from Yale in 1940. After a dozen years in industry, he was appointed director of Project SQUID, a Navy program of basic and applied research in jet propulsion administered by Princeton University, where he later became professor of aerospace and mechanical sciences in 1959. He returned to Yale in 1967 as professor of applied science and chemistry, a post he held for 13 years. From 1980 until his retirement in 1987, he was a professor of chemical engineering. He became a research scientist at Yale after being named Emeritus in 1987. In 1994, he moved to Virginia Commonwealth University as a research professor. He has served as a visiting professor at Trento University in Italy, the University of Tokyo, the Indian Institute of Science at Bangalore, and the Chinese Academy of Science in Beijing, and as a distinguished lecturer at several other institutions. Author of one book and over a hundred papers, he is sole or co-inventor on 19 patents. Much of his research has centered on the properties and uses of supersonic free jets expanding into vacuum. Such jets can produce molecular beams with much higher intensities and energies than can the classical effusion ovens they have replaced. Their ability to cool molecules to ultra low temperatures, with or without condensation, has revolutionized molecular spectroscopy and made them versatile sources of clusters and van der Waals molecules. In mass spectrometry, Professor Fenn is best known for his work in the development and applications of electrospray ionization.

I speak with utmost sincerity in expressing my gratitude to Professor Fenn for the lifetime of contributions or, more accurately, several lifetimes' worth of contributions that he has rendered in service to our Nation in his research on mass spectrometry. The work resulting from his drive and genius will no doubt improve our lives and our society, and it fills me with exceptional pride to see him recognized for his efforts. Outstanding scientists such as he undertake research to fully realize human and societal potential, and by having had someone as accomplished as Professor Fenn on its faculty, both Connecticut and Yale University have greatly benefited from his groundbreaking work. On behalf of your State and your country, Professor Fenn, please accept my deepest congratulations and thanks.●

TRIBUTE TO DR. LURA POWELL

● Mrs. MURRAY Mr. President, I would like to take a moment today to recognize the accomplishments of Dr. Lura Powell, the Laboratory Director of the Department of Energy's Pacific Northwest National Laboratory in Richland, WA. Dr. Powell will be stepping down at the end of this year and, over the past 2 years as director, has provided many contributions while leading this National Laboratory. I would also like to thank her for her leadership and her commitment to the Tri-Cities Community.

Lura Powell joined the Laboratory after a lengthy career at the Department of Commerce's National Institute of Standards and Technology. During her tenure at NIST, she served as Director of the Advanced Technology Program. She earned the Department of Commerce Gold Medal in 1998. In 2000, Dr. Powell joined Battelle and became the first woman director of the Laboratory. There are several noteworthy successes to mention, including two ''Outstanding'' ratings from the Department of Energy, the highest rating available, during her tenure. In addition, DOE recently announced its intention to renew the 5-year contract for the Laboratory.

During her tenure, the acquisition of two major pieces of equipment, including a leading-edge supercomputer and the world's first 900 Megahertz wide bore Nuclear Magnetic Resonance spectrometer, will position the laboratory to be a leader in molecular research. Dr. Powell can also be credited with enhancing university partnerships in the Northwest with the University of Washington and Washington State University, as well as the University of Idaho and Oregon State University. Dr. Powell's legacy is the successful combination of academic partnerships with this state-of-the-art laboratory, securing a strong economic future for my state of Washington and the Pacific Northwest region of the United States.

In the Tri-City Community, Dr. Powell has been active in promoting economic growth and providing leadership in the role that science and technology can play in education, work, and our daily lives. In Washington State, Dr. Powell has been a member of the Washington Roundtable and the Washington Technology Alliance Board where she has cared deeply about bringing growth to the state economy.

On behalf of the people of the Tri-Cities and Washington State, I would like to thank Lura Powell for her hard

work and know that wherever she goes, those around her will benefit from her leadership, insight, and commitment.●

WEST VIRGINIA VET CENTER RECEIVES AWARD

● Mr. ROCKEFELLER. Mr. President, once again I rise to congratulate the Morgantown Vet Center in my State of West Virginia for receiving both the ''Clinical Programs of Excellence'' award presented by the Department of Veterans Affairs Health Administration and the ''Vet Center of Excellence'' award presented by VA's Readjustment Counseling Service.

For the second time in a row, the skilled, dedicated staff of the Morgantown Vet Center has been recognized by VA for providing the best of VA care in their field. To receive either of these two awards once would be an outstanding accomplishment. But to receive both of them, twice in a row, by continuing to meet such high standards of care is something to be enormously proud of.

The services provided by the staff at the Morgantown Vet Center include individual and group counseling, family/marital counseling, sexual trauma counseling, substance abuse counseling, vocational and employment assistance, VA claims and benefits information, help for the homeless, and social service and health care referrals. They provide readjustment counseling to combat veterans and their families, including veterans who served during Vietnam, Korea, World War II, and the Persian Gulf.

The staff at the Morgantown Vet Center is extremely dedicated, and literally hundreds of veterans have benefitted from their expertise. In fiscal year 2001, 11,528 visits were made to the Morgantown Vet Center, a 41 percent increase in the number of visits for fiscal year 1998. This growth is just one of the many positive facets of Morgantown's program that allowed VA to select them once again as a ''Clinical Program of Excellence.''

So to each and every one of the staff at the Morgantown Vet Center, thank you again for the exemplary work you do, for your professionalism, your dedication, and your compassion.

Congratulations for a job well done.●

NATIONAL WILDLIFE REFUGE WEEK

● Mr. DOMENICI. Mr. President, I rise today to celebrate National Wildlife Refuge Week. This week of wildlife education and activities marks the 99th birthday of the National Wildlife Refuge System. Following in the footsteps of one of our first conservationist Presidents, Theodore Roosevelt, who in 1903 instituted the National Wildlife Refuge on Pelican Island in Florida, the National Wildlife Refuge System attentively monitors and preserves wildlife habitats on 538 National Wildlife Refugees spanning 94 million acres. The National Wildlife Refuge System plays a unique and critical role in ensuring Americans a safe, clean, and natural ecosystem where both wildlife and people benefit from a healthy environment.

The National Wildlife Refuge System protects a wide range of wildlife and landscapes throughout the country. In particular, the refuges in the Southwest are necessary to secure the well-being and survival of an assortment of migratory birds, including the bald eagle, who make the Southwest their home during the fall and spring months. The National Wildlife Refuge System concentrates not only on the hands-on aspect of environmental protection but, focuses on the importance of science in determining the future and well-being of wildlife. Specifically, they direct their scientific endeavors towards the accelerating rate of extinction of species and the associated loss of biological diversity coupled with habitat alteration and destruction. Their efforts towards the preservation of wildlife are in conjunction with and for the well-being of Americans and their ability to enjoy a peaceful, natural, and unspoiled national refuge.

The National Wildlife Refuge contributes greatly to ensuring many of New Mexico's natural landmark treasures such as Bitter Lake, Bosque del Apache, Grulla, Las Vegas, Maxwell, San Andres, and Sevilleta. The National Wildlife Refuge has been devoted to the restoration of Sevilleta, making native animals such as deer, elk, coyotes, mountain lions, and various birds and reptiles more abundant and visible. In particular, and of great interest to me, is the Long-Term Ecological Research Project the National Wildlife Refuge System they have launched. Such programs are key to the revitalization of not just Sevilletta, but to all of New Mexico's varying ecosystems. Their project is in line with the Sevilleta National Wild Refuge program and the Rio Grande Bosque Initiative that was implemented in 1991.

As part of my concern for New Mexico's wildlife, I included a provision in this year's Interior Appropriations bill providing $1.25 million for the Fish and Wildlife program to design a new research complex for Sevilleta NWR. This facility will support numerous university and Federal agency research programs.

The National Wildlife Refuge System consistently helps prevent and regulate environmental disasters through their highly cultivated set of management tools that includes farming, prescribed burning, exotic plant control, moist soil management, and water level manipulation. Without the perseverance of such organizations as the National Wildlife Refuge System, we would not be able to successfully tackle the many environmental obstacles that stand in the way of a healthy and well managed ecosystem.

I wish the National Wildlife Refuge System a great week of learning, exploration, and fun and a continued success in their wildlife and environmental work. Although I cannot be in my beloved home of New Mexico for this noble event, I congratulate this organization for their almost one hundred years of conservation and public works.●

PROFESSIONAL DEVELOPMENT IN CIVICS AND GOVERNMENT

● Mrs. FEINSTEIN. Mr. President, I rise today to bring to the attention of my colleagues the work of the Center for Civic Education. The center offers outstanding professional development institutes for teachers of civics and government throughout the United States.

While the center is based in my home State of California, their programs are administered nationally by a network of State and congressional district coordinators. Many of you are familiar with We the People: The Citizen and the Constitution, a nationally acclaimed civic education program for upper elementary, middle, and high school students. I know that a number of you have met with the high school students who participate in the We the People national finals, a three-day academic competition in which students respond to questions on the U.S. Constitution and Bill of Rights.

The center-sponsored professional development institutes are offered at national, regional, and State levels. These institutes are designed to instruct teachers in the content and methodology required to deliver quality education in civics and government. Institutes are usually one week long and provide rigorous content knowledge, innovative teaching techniques, and authentic assessment practices. Regional institutes provide an opportunity for teachers from neighboring states to share best practices in civic education.

This past year, 27 regional and State institutes were held in Arizona, California, Colorado, Florida, Idaho, Indiana, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. A Juvenile Justice Institute was offered for teachers of incarcerated youth, and a civics and government institute was held for university professors of education.

The center also sponsors a more intensive 3-week National Academy for teachers from across the country; the academy is held in California. Participants in the academy study major works of political theory such as Aristotle's Politics, Hobbes' Leviathan, Locke's Second Treatise, The Federalist, anti-federalist writings, and U.S. Supreme Court opinions. They also discuss relevant knowledge and creative ways to apply this experience when they return to the classroom.

National institutes for elementary school teachers and teachers interested

in advanced content knowledge were held for the first time this year. These institutes were conducted in Virginia and Missouri, respectively. In 2003, the center will increase the number of summer professional development institutes offered.

The poor performance of students on the 1998 National Assessment for Educational Progress, NAEP, Civics Report Card can be traced to inadequate teacher preparation and insufficient quantity of instruction. We know that outstanding programs and student outcomes are directly attributed to adequately prepared teachers.

Investment in professional development opportunities, such as the summer institutes and the National Academy sponsored by the Center for Civic Education, are helping to address this critical situation of teacher preparedness in the field of civics and government.

I commend the center for their efforts and applaud their investment in one of our most treasured resources, the American classroom teacher. ●

TRIBUTE TO DANIEL A. BENAC

● Mr. LEVIN. Mr. President, I am delighted to bring to the attention of my colleagues a great American. Mr. Daniel A. Benac of Hillman, MI has made service to his country and community a cornerstone of his life. In 1942, Daniel answered the call to serve his country and joined the United States Army's 103rd Infantry Division. After being honorably discharged from the Army, Dan went back to Michigan where he became a member of a variety of important organizations including the International Brotherhood of Electrical Workers and the United Auto Workers. As a skilled tradesman, Dan also ran a successful small business. In the military, business and personal life, he has demonstrated his commitment to his country, family, and friends.

Dan's leadership capabilities are highlighted by his commitment to a variety of community-based organizations including the Masons, Shriners, Disabled American Veterans, and the American Legion. He also serves as a Board member for the United Auto Worker's state-wide coordinating committee for the Democratic Party and the National Council for Senior Citizens. Furthermore, Dan is the Chairman of the Michigan Veterans Trust Fund for Montmorency County and Past Chairman of the Montmorency County Democratic Party. Dan currently serves as the chairman of Region 1D, United Auto Worker Retirees, a region which encompasses 62 counties. Daniel was instrumental in the formation of the Montmorency County Democratic Party and has served as the party chairman for many years.

Dan and his wife Geraldine will celebrate their 60th wedding anniversary on February 9, 2003. They have three children, eight grandchildren, and fifteen great grandchildren. At 80 years of age, he has been, and continues to be, an inspiration to all who know him. I know my colleagues will join me in saluting Daniel Benac for his leadership in the community dedication to his country, and loyalty to his family and friends.●

● Mr. HATCH. Mr. President, I rise today to introduce ''Feed America Thursday,'' a resolution which designates November 21, 2002, the Thursday before Thanksgiving Day, as ''Feed America Thursday.''

This resolution encourages Americans to sacrifice two meals on November 21 and donate the money they would have used for food to a charity or religious organization of their choice. The charities and churches, in turn, are encouraged to feed the hungry with the funds received. ''Feed America Thursday'' will not only encourage Americans to help those in need, it will encourage a spirit of selflessness and sacrifice vital to our strength as a nation.

Each day people in our Nation suffer due to hunger. The United States Department of Agriculture recently reported that 33 million Americans, 13 million of whom are children, live in homes that do not have an adequate supply of food. Hunger among children is especially devastating because it has a serious impact on physical growth and brain development. The contributions this resolution encourages will serve the needs of those who suffer from hunger in our Nation, especially the children. This resolution will not only help alleviate hunger, it will both affirm and restore the spirit of giving in our society. Hunger affects people from every state and in all age groups.

I ask every American to join me in feeding the hungry and affirming the values that make our Nation great. This resolution, if passed, will provide food to the hungry and hope to our nation.●

THE RETIREMENT OF SHERIFF BILL BREWER

● Mr. ENZI. Mr. President, I have often heard it said that Wyoming is such a remarkable place to live because of the remarkable people who live there. For my part, I can not only assure you that it is true, but I have the proof in the form of one of the stories of our remarkable citizenry that I would like to share with my colleagues today.

In just a few weeks, Bill Brewer will be retiring after serving for 26 years as our Sheriff for Park Country. All told, he will be closing the books on a career in law enforcement that totals almost 40 years.

As a former Mayor, I know full well the importance of a good Sheriff in city and county management and the important role law enforcement plays in the services we provide to the citizens of our communities. If nothing else, good city and county government demands that we ensure the safety of our people to the fullest extent possible. That is why law enforcement officers like Bill Brewer are so important in the day to day life of our communities.

Sheriff Brewer has been an integral part of the daily life of the community of Cody and Park County since 1972, when he became the Sheriff of Park County. Over the years, he proved to be instrumental in bringing the Cody Police Department and the Park County Sheriff's Department together as he worked to bring both offices into the modern age. Through his efforts, he was able to improve the technology both offices have come to depend on as they became more effective and responsive to the needs of the people of the area. Thanks to his dedication to improving the system he was a part of, numerable changes were made in the way the offices communicated with each other. And thanks to his willingness to try new things, the kind of information they exchanged and the speed with which it was shared increased dramatically.

Sheriff Brewer's vision and commitment to making a difference in his corner of the world did not go unnoticed through the years, and he was named Wyoming Peace Officer of the Year in 1981. The award was presented to him to recognize his devotion to duty as well as his dedication and commitment to improving the tools his officers had access to in the performance of their daily duties.

For example, in the 1980's, Sheriff Brewer's foresight and commitment to ensuring Cody and Park County had the most modern crime fighting tools possible led him to create a SWAT team for the County. Although there was quite a bit of dissension about the formation of such a force, it proved to be an important addition to the law enforcement team of the area when there was a shooting at a bar in Cody. The perpetrators fled the scene and barricaded themselves in a cabin. It was then up to the newly formed SWAT team to capture them and bring them to justice. They were subsequently convicted and the story was broadcast across the nation as part of a television series of law enforcement.

In addition to his duties as a Sheriff, Bill has also been very involved with the youth of the community. He was a boxing coach and referee, as well as a baseball and basketball coach.

I would be remiss if I didn't also point out Bill's participation in the music community of the area. He plays the banjo and the guitar and he and his father played with the Wyoming Fiddlers Association. He also enjoys playing horseshoes and now that he's retired, I have no doubt that he is going to get into a lot more activities in the years to come.

Bill Brewer will long be remembered for all he has done to make his community a better place to live. For his almost forty years of service, he has made a huge difference in his neck of the woods of Wyoming. There is no way

to measure all Bill has accomplished as Sheriff and the lives he has touched in all his activities. A lot of the area bears his remarkable and gentle touch and is better for his having passed by.

Now, I have a hunch Bill and his remarkable wife Janet won't be slowing down so much as changing gears and direction in retirement. I wish them all the best in whatever they decide to do in the coming years. After all, Bill has done all we could have asked him to do, and more, for almost forty years. I hope he and Janet enjoy their retirement. They have been a great team for Park County and Wyoming and they have earned it.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 3:57 p.m., a message from the House or Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 114. A joint resolution to authorize the use of the United States Armed Forces against Iraq.

At 5:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5010) making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to 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 message further announced that the Speaker has signed the following enrolled bills:

ENROLLED BILLS SIGNED

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 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 certain disabled veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD.)

At 8:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it request the concurrence of the Senate:

H.J. Res. 122. A joint resolution making further appropriations for the fiscal year 2003, and for other purposes.

At 11:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H. Con. Res. 508. Concurrent resolution resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the text to 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 House insists on its disagreement to the amendment of the Senate to the title to the aforesaid bill.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5427. An act to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–9285. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the reimbursements to countries for support of U.S. military operations in connection with the global war on terrorism; to the Committee on Appropriations.

EC–9286. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of a violation of the Antideficiency Act case number 00–07; to the Committee on Appropriations.

EC–9287. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Applicable to Surface Coal Mining Hearings and Appeals'' (RIN1090–AA82) received on October 2 , 2002; to the Committee on Energy and Natural Resources.

EC–9288. A communication from the Deputy Congressional Liaison, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending)'' received on October 3, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9289. A communication from the Secretary of Labor, transmitting , a draft of proposed legislation entitled ''Black Lung Consolidation of Administrative Responsibilities Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–9290. A communication from the Acting Director, Office of Regulatory Law, Veterans Health Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Priorities for Outpatient Medical Services and Inpatient Hospital Care'' (RIN2900–AL39) received on October 2, 2002; to the Committee on Veterans' Affairs.

EC–9291. A communication from the Director of Regulations and Forms Services Division, Immigration and Naturalization, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Delegating the Secretary of Labor the Authority to Adjudicate Certain Temporary Agricultural Worker (H–2A) Petitions'' (RIN1115–AF29) received on October 2, 2002; to the Committee on the Judiciary.

EC–9292. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9293. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations'' (DFARS Case 2000–D019) received on October 2, 2002; to the Committee on Armed Services.

EC–9294. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report on Fiscal Year 2001 funds obligated in support of the procurement of a vaccine for biological agent Anthrax; to the Committee on Armed Services.

EC–9295. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the Affirmative Action Employment Program Accomplishment Report for the period of October 1, 2000 through October 1, 2001; to the Committee on Foreign Relations.

EC–9296. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation to extend through Fiscal Year 2003 the authorities necessary to continue the unified campaign against drugs and terrorism in Colombia; to the Committee on Foreign Relations.

EC–9297. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9298. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, General Service Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–09'' (FAC 2001–09) received on October 2, 2002; to the Committee on Governmental Affairs.

EC–9299. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–9300. A communication from the Commissioner of the Social Security Administration, transmitting, a draft of proposed legislation entitled ''Supplemental Security Income Program Amendments of 2002''; to the Committee on Finance.

EC–9301. A communication from the Secretary of Labor, transmitting , a draft of proposed legislation entitled ''Black Lung Disability Trust Fund Debt Restructuring Act''; to the Committee on Finance.

EC–9302. A communication from the Secretary of Labor, transmitting , a draft of proposed legislation entitled ''Employment Security Reform Act of 2002''; to the Committee on Finance.

EC–9303. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Conditions of Participation: Immunization Standards for Hospitals, Long-Term Care Facilities, and Home Health Agencies'' (RIN0938–AM00) received on October 2, 2002; to the Committee on Finance.

EC–9304. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Duty-free Treatment for Certain Beverages Made with Caribbean Rum'' (RIN1515–AC78) received on October 4, 2002; to the Committee on Finance.

EC–9305. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Effect of Collars on Qualified Covered Calls'' (Rev. Proc. 2002–66, 2002–43) received on October 3, 2002; to the Committee on Finance.

EC–9306. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Report for 2002 entitled ''Evaluation of Medicare's Competitive Bidding Demonstration for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies''; to the Committee on Finance.

EC–9307. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Projected Unused Amounts of Bering Sea Subarea (BS) Pollock from the Incidental Catch Account to the Directed Fisheries. This Action is Necessary to Allow the 2002 Total Allowable Catch (TAC) of Pollock to be Harvested'' received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9308. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3'' (RIN0648–AP06) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9309. A communication from the Acting Director, Office of Sustainable Fisheries, Nation Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is prohibiting retention of all rockfish defined in the category ''other rockfish'' in Table 3 of 2002 harvest specifications and associated management measures for groundfish fisheries off Alaska (67 FR 956, January 8, 2002) in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is required that catch of ''other rockfish'' in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of 2002 total allowable catch (TAC) of ''other rockfish'' in this area has been achieved'' received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9310. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, the report of a correction of EC 4629, a rule entitled ''Procedures for Compensation of Air Carriers'' (RIN2105–AD06) that was received on November 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–9311. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, the report of a correction of EC 5109, a rule entitled ''Procedures for Compensation of Air Carriers'' ((RIN2105–AD06)(2002–0001)) that was received on January 16, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9312. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, the report of a correction of EC 9153, a rule entitled ''Procedures for Compensation of Air Carriers'' ((RIN2105–AD06)(2002–0002)) that was received on September 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9313. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Tecumseh, MI; Correction'' (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9314. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 155B Helicopters'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9315. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Vulcanair SpA P 68 Series Airplanes'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9316. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9317. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, Inc. Model 212 Helicopters'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9318. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed C–130A Airplanes; Type Certification in the Restricted Category'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9319. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9320. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Certain Airplanes Originally Manufactured by Lockheed'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9321. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Textron Lycoming IO–540, LTIO–540, and TIO–540 Series Reciprocating Engines'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9322. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (25); Amdt. No. 3024)'' (RIN2120–AA65) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9323. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 3023'' (RIN2120–AA65) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9324. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Rotax GmbH Type 912 F and 912 S Series Reciprocating Engines'' (RIN2120–AA64) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9325. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lapeer, MI'' (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9326. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ponce Bay, Tallaboa Bay, and Guayanilla Bay, Puerto Rico and Limetree Bay, St. Croix, U.S. Virgin Islands'' ((RIN2115–AA97)(2002–0192)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9327. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Shipping—Technical and Conforming Amendments'' (RIN2115–AG48) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9328. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Zanesville, OH'' (RIN2120–AA64) received on October 4, 2002 ; to the Committee on Commerce, Science, and Transportation.

EC–9329. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Athens, OH'' (RIN2120–AA66) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9330. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Implementation Guidance for the Arsenic Rule: Drinking Water Regulations for Arsenic and Clarifications to Compliance and New Source Containments Monitoring''; to the Committee on Environment and Public Works.

EC–9331. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirement'' (FRL7376–5) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9332. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Vehicle Inspection and Maintenance Programs; Salt Lake County and General Requirements and Applicability'' (FRL7262–2) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9333. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants'' (FRL7391–3) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9334. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' (FRL7390–3) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9335. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL7392–6) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9336. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Massachusetts; Plan for Controlling MWC Emissions from Existing Large MWC Plants'' (FRL7387–5a) received on October 7, 2002; to the Committee on Environment and Public Works.

EC–9337. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Montana: General Conformity'' (FRL7383–2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9338. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Reasonably Available Control Technology (RACT) Plans and Regulation'' (FRL7374–9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9339. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Generic VOC and NO_x RACT Regulation and Revised Definitions'' (FRL7389–2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia, Regulation to Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas'' (FRL7381–7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Carbon Monoxide and Ozone'' (FRL7388–9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standard for Nitrogen Dioxide'' (FRL7381–9) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9343. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Approval of PM10 State Implementation Plan (SIP) Revisions and Designation of Areas for Air Quality Planning Purposes'' (FRL7374–7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9344. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards and National Emission Standards for Hazardous Air Pollution'' (FRL7379–8) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9345. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants; Measurement of Mercury in Water; Revisions to EPA Method 1631'' (FRL7390–6) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9346. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay Sanctions; Bay Area Air Quality Management District'' (FRL7387–2) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9347. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactivity Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries'' (FRL7390–7) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9348. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District and South Coast Air Quality Management District'' (FRL7380–8) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9349. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Bay Area Air Quality Management District'' (FRL7387–1) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9350. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL7385–3) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9351. A communication from the Deputy Assistant for the Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Snakeheads (family Channidae)'' (RIN1018–AI36) received on October 2, 2002 ; to the Committee on Environment and Public Works.

EC–9352. A communication from the Secretary of Agriculture and the Secretary of the Interior, transmitting jointly, four legislative proposals to implement the President's Healthy Forests Initiative; to the Committee on Environment and Public Works.

EC–9353. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Specification of a Probability for Unlikely Features, Events and Processes'' (RIN3150–AG91) received on October 4, 2002; to the Committee on Environment and Public Works.

EC–9354. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for Thlaspi californicum (Kneeland Prairie Penny-cress)'' (RIN1018–AG92) received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9355. A communication from the Assistant Secretary of the Interior for Fish, Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Appalachian Elktoe'' received on October 2, 2002; to the Committee on Environment and Public Works.

EC–9356. A communication from the Assistant Secretary of the Interior for Fish, Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Holocarpha macradenia (Santa Cruz Tarplant)'' (RIN1018–AG73) received on October 2 , 2002; to the Committee on Environment and Public Works.

EC–9357. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Compensation of Air Carriers'' ((RIN2105–AD06)(2002–0003)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9358. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's monthly report on the status of licensing and regulatory duties for June 2002; to the Committee on Environment and Public Works.

EC–9359. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''CERCLA Future Response Costs: Settlement, Billing and Collection''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2951: A bill to authorize appropriations for the Federal Aviation Administration, and for other purposes. (Rept. No. 107–309).

H.R. 2486: To authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes. (Rept. No. 107–310).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2950: A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes. (Rept. No. 107–311).

From the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2667: A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes..

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 3054: A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes..

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3089. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine , and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 3090. 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, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mr. REID, Mr. ROCKEFELLER, Mr . KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. MILLER, Mr. BREAUX, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. LINCOLN):

S. 3091. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3092. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. KYL):

S. 3093. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself, Mr. ROBERTS, Mr. CONRAD, Mr . CRAPO, Mr. CRAIG, Mr. BURNS, Mr. JOHNSON, Mr. ALLARD, Mr. BROWNBACK, and Mr. CAMPBELL):

S. 3094. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 3095. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. REED):

S. 3096. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. CRAPO):

S. 3097. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for holders of qualified highway bonds; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. GRAMM):

S. 3098. A bill to amend title XVIII of the Social Security Act to establish a program for the competitive acquisition of items and services under the medicare program; to the Committee on Finance.

By Mr. DASCHLE:

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

By Mrs. FEINSTEIN:

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. BIDEN):

S. 3101. A bill to amend title IV of the Missing Children's Assistance Act to provide for increased funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3102. 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 Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3103. 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 Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3104. 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 Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. DODD, Mr. SANTORUM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE):

S. 3105. A bill to amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health , Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3106. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. MCCAIN):

S. 3107. A bill to improve the security of State-issued driver's licenses, enhance highway safety, verify personal identity, and for

other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING:

S. 3108. A bill to authorize the conveyance of a portion of the Bluegrass Army Depot, Kentucky, to preserve a historic Civil War battlefield; to the Committee on Armed Services.

By Mr. BUNNING:

S. 3109. A bill to authorize the conveyance of a portion of the Bluegrass Army Depot, Richmond, Kentucky, to facilitate construction of a State veterans' center; to the Committee on Armed Services.

By Ms. COLLINS:

S. 3110. A bill to require further study before amendment 13 to the Northeast Multispecies (Groundfish) Management Plan is implemented; to the Committee on Commerce, Science, and Transportation. RN35G

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, Mrs. HUTCHISON, Mr. ALLEN, Mr. CLELAND, Mr. BROWNBACK, Mr. CRAIG, Mrs. CLINTON, Ms. CANTWELL, Mr. DURBIN, Mr. EDWARDS, Mr. DODD, Mr . KERRY, Mr. BUNNING, Mr. HATCH, Mr. BENNETT, Mr. HUTCHINSON, and Ms. SNOWE):

S. Res. 338. A resolution designating the month of October, 2002, as ''Children's Internet Safety Month''; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. COLLINS):

S. Res. 339. A resolution designating November 2002, as ''National Runaway Prevention Month''; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself and Mr. HAGEL):

S. Con. Res. 152. A concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 724

At the request of Mr. BOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 2006

At the request of Mr. GRAHAM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2663

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 2663, a bill to permit the designation of Israeli-Turkish qualifying industrial zones.

S. 2672

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2848

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2848, a bill to amend title XVIII of the Social Security Act to provide for a clarification of the definition of homebound for purposes of determining eligibility for home health services under the medicare program.

S. 2872

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2872, a bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2968

At the request of Mr. SARBANES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2968, a bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

S. 2972

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2972, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes.

S. 3018

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3054

At the request of Mr. LIEBERMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 3057

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3057, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S.J. RES. 46

At the request of Mr. THURMOND, his name was added as a cosponsor of S.J. Res. 46, A joint resolution to authorize the use of United States Armed Forces against Iraq.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 49, A joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 307, A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Con. Res. 3, A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 135

At the request of Mr. NICKLES, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 135, A concurrent resolution expressing the sense of Congress regarding housing affordability and urging fair and expeditious review by international trade tribunals to ensure

a competitive North American market for softwood lumber.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Con. Res. 142, A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. ALLARD), the Senator from Idaho (Mr. CRAIG), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Con. Res. 148, A concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

AMENDMENT NO. 4856

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 4856 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

AMENDMENT NO. 4862

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 4862 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

AMENDMENT NO. 4868

At the request of Mrs. DAYTON, his name was added as a cosponsor of amendment No. 4868 proposed to S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 3089. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I introduce a bill to grant normal trade treatment to the products of Ukraine. My brother, Congressman SANDER LEVIN, has introduced an identical bill, H.R. 4723, in the House. It is our hope that enactment of this legislation will help to build stronger economic ties between the United States and Ukraine.

The cold war era Jackson-Vanik immigration restrictions that deny most favored nation trade status to imports from former Soviet-Block countries are outdated and when applied to Ukraine, inappropriate. Those restrictions were established as a tool to pressure Communist nations to allow their people to freely emigrate in exchange for favorable trade treatment by the United States.

Ukraine does allow it citizens the right and opportunity to emigrate. It has met the Jackson-Vanik test. In fact, Ukraine has been found to be in full compliance with the freedom of emigration requirements under the Jackson-Vanik law. Ukraine has been certified as meeting the Jackson-Vanik requirements on an annual basis since 1992 when a bilateral trade agreement went into effect. It is time the United States recognize this reality by eliminating the Jackson-Vanik restrictions and granting Ukraine normal trading status on a permanent basis. Our bill does this as well as addressing traditional Jackson-Vanik issues such as emigration, religious freedom, restoration of property, and human rights. It also deals with the important trade issues that must be considered when granting a country permanent normal trade relations, PNTR, such as making progress toward World Trade Organization, WTO, accession and tariff and excise tax reductions.

Since reestablishing independence in 1991, Ukraine has taken important steps toward the creation of democratic institutions and a free-market economy. As a member state of the Organization for Security and Cooperation in Europe, OSCE, Ukraine is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act. I believe that more needs to be done to reform Ukraine's economy and legal structures, but I believe that the hope for PNTR and thus PNTR itself, can encourage these reforms.

Drawing Ukraine into normal trade relations should lead Ukraine to achieve greater market reform and continue its commitment to safeguarding religious liberty and enforcing laws to combat discrimination as well as expand on the restitution of religious and communal properties. Also, PNTR status will hopefully do more than increase bilateral trade between the United States and Ukraine and encourage increased international investment in Ukraine. Hopefully it will also stimulate the reform we all want and Ukraine deserves on their way to achieving a mature nation statehood.

Ukraine is important to U.S. strategic interests and objectives in Central and Eastern Europe and has participated with the United States in its peacekeeping operations in Europe and has provided important cooperation in the global struggle against international terrorism. It's time we recognize Ukraine's accomplishments and status as an emerging democracy and market economy and graduate it from the Jackson-Vanik restrictions.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 3090. 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, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President. I rise today to introduce legislation to address two emergent wildlife diseases in my state, chronic wasting disease, or CWD, and epizootic hemorrhagic disease, or EHD, both of which have been found in Wisconsin's deer. I am pleased to be joined in introducing this legislation today by the Senior Senator from Wisconsin, Mr. KOHL. CWD was detected in wild deer in my state earlier this year, and, unfortunately, has now spread to captive herds. EHD was detected in wild deer in the last week of September. These diseases have become serious and substantial management problems in my home State of Wisconsin.

To address CWD, the State of Wisconsin has decided to eradicate free-ranging white tailed deer within eastern Iowa, western Dane, and southern Sauk counties in an effort to try to eradicate the disease. Wisconsin will sample and test another 50,000 deer statewide. This represents an unprecedented eradication and sampling effort in Wisconsin. Most likely, it is the largest ever undertaken in the United States.

For months, the Wisconsin delegation has been unified, on a bipartisan basis, in seeking Federal assistance from the Administration to combat this problem. We have sought assistance from the United States Department of Agriculture and the Department of the Interior. We have pursued any and every other Federal agency that might be able to provide us with assistance. Some help has been forthcoming, and we are grateful for the help that we have received.

But the help our State has gotten so far to combat CWD isn't near enough. We need to be ready for the deer hunt that begins next month. We need to expand the availability of CWD testing in our State, and we need to expand it now. Wisconsin is undertaking an unprecedented testing program, but USDA has refused to allow Wisconsin to certify private labs to run CWD tests. That is why I have authored this new bill to require USDA to make CWD

screening tests available to the public, that's the only way Wisconsinites can make informed decisions when hunting season arrives.

USDA is concerned that the public may interpret the results of the currently available CWD tests to be more than a determination of whether the deer does or does not have CWD. USDA is concerned because the current tests have certain limitations and are only accurate in determining whether a deer is infected with CWD. No test has yet been approved by the Food and Drug Administration as a way of proving that deer meat is safe to eat.

While I understand USDA's concern that an animal screening test for CWD should not be viewed by the public as a food safety test, at present there is no food safety test for venison. The CWD screening tests are the only tests that are available today. We should make the public aware of the limitations of today's tests, but we should also make those tests available and let the public use their own judgment. The World Health Organization has advised that meat from CWD-infected deer should not be consumed. The only way Wisconsinites can follow the WHO's advice and make an informed decision is to have their deer tested.

This bill addresses Wisconsin's urgent short term need for enhanced testing capacity in two ways. First, the bill requires USDA to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. Second, the bill requires USDA to develop a certification program for Federal and non-federal labs, including private labs, allowing them to conduct chronic wasting disease tests within 30 days of enactment. I hope these measures will enhance Wisconsin's capacity to expand deer testing this year. To address longer-term needs the bill directs USDA to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and to develop testing protocols that reduce laboratory test processing time.

I believe that the alternative to not expanding testing in Wisconsin is much worse, and much more challenging than undertaking an effort to educate our hunters about the limitations of current tests. The alternative, frankly, is the spread of this disease. We should be very clear that the Federal Government will be allowing this disease to spread if it does not act to make more testing available.

Concerned hunters, faced with limited information, will simply choose not to hunt Already, the lack of testing is affecting the number of hunters who will take to the woods in Wisconsin this fall. Registration for hunting licenses in my State is already down 30 percent from this time last year. If we do not expand testing in Wisconsin, we will likely guarantee the spread of the disease.

Failure to aggressively work to eradicate CWD before it spreads could allow the very resilient prions that spread the disease to survive in the environment for years, further complicating eradication efforts. And although CWD has never spread to other species, scientists have not ruled out that possibility, and more deer with the disease may well increase the risk.

The bill also addresses another issue, the emergence of another animal disease, this time a viral disease, EHD. This disease has apparently killed eighteen deer in Iowa County, and could have spread beyond the deer population in Iowa County.

This disease affects not only our deer population, but could also harm our world famous dairy industry. While I am told that cows don't frequently die from EHD, they can carry the disease, and some are worried that this disease could subject our dairy herds to quarantine if they were found to have EHD.

Our hunters and dairy industry do seem to have caught a break when it comes to EHD. I understand that colder weather will kill off the biting insects that spread the EHD virus. This should provide some protection for deer and dairy cattle for the next few months. In the meantime, however, we must take steps to prevent the spread of this disease now before it becomes a problem in the spring and to prevent its possibly spreading to our dairy industry.

The Administration has simply not taken sufficient steps on CWD, and I am concerned that it will again fail to do enough if EHD becomes a problem. That's why my legislation today also includes a provision to create an action plan to address concerns about EHD. It would require that the Secretary of Agriculture create a federal working group to outline what actions the federal government is taking now, and to determine the future actions that are important to take in addressing EHD.

My legislation is also budget neutral. It won't cost taxpayers a dime. It asks USDA to undertake these activities using current funds. I refuse to accept that USDA cannot find the resources within its budget of over seventy three billion dollars to take these actions. The Department must find the means to develop an efficient and accurate way to certify private labs to conduct CWD tests following the standards that the USDA labs use.

Legislative action on this problem is urgently needed. We cannot afford to wait, or we will allow these wildlife diseases to spread. This legislation is a necessary step in ensuring that we can bring these diseases under control and I urge its swift consideration.

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

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

S. 3090

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 ''Comprehensive Wildlife Disease Testing Acceleration Act of 2002''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CHRONIC WASTING DISEASE.—The term ''chronic wasting disease'' means the animal disease that afflicts deer and elk—

(A) that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(B) that belongs to the group of diseases—

(i) that is known as transmissible spongiform encephalopathies; and

(ii) that includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

(2) EPIZOOTIC HEMORRHAGIC DISEASE.—The term ''epizootic hemorrhagic disease'' means the animal disease afflicting deer and other wild ruminants—

(A) that is an insect-borne transmissible viral disease; and

(B) that results in spontaneous hemorraging in the muscles and organs of the afflicted animals.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TASK FORCE.—The term ''Task Force'' means the Interagency Task Force on Epizootic Hemorrhagic Disease established by section 4(a).

SEC. 3. CHRONIC WASTING DISEASE SAMPLING GUIDELINES AND TESTING PROTOCOL.

(a) SAMPLING GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidelines for the collection of animal tissue by Federal, State, tribal, and local agencies for testing for chronic wasting disease.

(2) REQUIREMENTS.—Guidelines issued under paragraph (1) shall—

(A) include procedures for the stabilization of tissue samples for transport to a laboratory for assessment; and

(B) be updated as the Secretary determines to be appropriate.

(b) TESTING PROTOCOL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION AND INSPECTION PROGRAM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a program for the certification and inspection of Federal and non-Federal laboratories (including private laboratories) under which the Secretary shall authorize laboratories certified under the program to conduct tests for chronic wasting disease.

(2) VERIFICATION.—In carrying out the program established under paragraph (1), the Secretary may require that the results of any tests conducted by private laboratories shall be verified by Federal laboratories.

(d) DEVELOPMENT OF NEW TESTS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall accelerate research into—

(1) the development of animal tests for chronic wasting disease, including—

(A) tests for live animals; and

(B) field diagnostic tests; and

(2) the development of testing protocols that reduce laboratory test processing time.

SEC. 4. INTERAGENCY TASK FORCE ON EPIZOOTIC HEMORRHAGIC DISEASE.

(a) IN GENERAL.—There is established a Federal interagency task force to be known as the ''Interagency Task Force on Epizootic Hemorrhagic Disease'' to coordinate activities to prevent the outbreak of epizootic hemorrhagic disease and related diseases in the United States.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary, who shall serve as the chairperson of the Task Force;

(2) the Secretary of the Interior;

(3) the Secretary of Commerce;

(4) the Secretary of Health and Human Services;

(5) the Secretary of the Treasury;

(6) the Commissioner of Food and Drugs;

(7) the Director of the National Institutes of Health;

(8) the Director of the Centers for Disease Control and Prevention;

(9) the Commissioner of Customs; and

(10) the heads of any other Federal agencies that the President determines to be appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Task Force shall submit to Congress a report that—

(1) describes any activities that are being carried out, or that will be carried out, to prevent—

(A) the outbreak of epizootic hemorrhagic disease and related diseases in the United States; and

(B) the spread or transmission of epizootic hemorrhagic disease and related diseases to dairy cattle or other livestock; and

(2) includes recommendations for—

(A) legislation that should be enacted or regulations that should be promulgated to prevent the outbreak of epizootic hemorrhagic disease and related diseases in the United States; and

(B) coordination of the surveillance of and diagnostic testing for epizootic hemorrhagic disease, chronic wasting disease, and related diseases.

SEC. 5. FUNDING.

To carry out this Act, the Secretary may use funds made available to the Secretary for administrative purposes.

By Mr. KOHL (for himself, Mr. REID, Mr. ROCKEFELLER, Mr. KERRY, Mr. BINGAMAN, Mr. GRAHAM, Mr. MILLER, Mr. BREAUX, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. LINCOLN):

S. 3091. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act, which will help protect patients in long-term care from abuse and neglect by those who are supposed to care for them. This legislation will establish a National Registry of abusive long-term care workers and require criminal background checks for potential employees. The changes we are making today are technical in nature and are designed to ensure that the background check system runs as smoothly and efficiently as possible.

There is absolutely no excuse for abuse or neglect of the elderly and disabled at the hands of those who are supposed to care for them. Our parents and grandparents made our country what it is today, and they deserve to live with dignity and the highest quality care.

Unfortunately, this is not always the case. We know that the majority of caregivers are dedicated, professional, and do their best under difficult circumstances. But it only takes a few abusive staff to case a dark shadow over what should be a healing environment.

Current State and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aides are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds, people who have already been convicted of murder, rape, and assault, could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislation will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate a FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem. In 1998, at my request, the Senate Special Committee on Aging held a hearing that focused on how easy it is for known abusers to find work in long-term care and continue to prey on patients. At that hearing, the HHS Inspector General presented a report which found that, in the two States they studied, between 5–10 percent of employees currently working in nursing homes had serious criminal convictions in their past. They also found that among aides who had abused patients, 15–20 percent of them had at least one conviction in their past.

In 1998, I offered an amendment which became law that allowed long-term care providers to voluntarily use the FBI system for background checks. So far, 7 percent of those checks have come back with criminal convictions, including rape and kidnapping.

And on July 30, 2001, the House Government Reform Committee's Special Investigations Division of the Minority staff issued a report which found that in the past two years, over 30 percent of nursing homes in the U.S. were cited for a physical, sexual, or verbal abuse violation that had the potential to harm residents. Even more striking, the report found that nearly 10 percent of nursing homes had violations that caused actual harm to residents.

Clearly, this is a critical tool that long-term care providers should have, they don't want abusive caregivers working for them any more than families do. I am pleased that the nursing home industry has worked with me over the years to refine this legislation, and I greatly appreciate their support of the bill with the changes we are incorporating today. This bill reflects their input and will help ensure a smooth transition to an efficient, accurate background check system. This is a common-sense, cost-effective step we can and should take to protect patients by helping long-term care providers thoroughly screen potential caregivers.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't.

This bill is the product of collaboration and input from the health care industry, patient and employee advocates, who all have the same goal I do: protecting patients in long-term care. I look forward to continuing to work with my colleagues, the Administration, and the health care industry in this effort. Our Nation's seniors and disabled deserve nothing less than our full attention.

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

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

S. 3091

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 ''Patient Abuse Prevention Act''.

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) SCREENING OF SKILLED NURSING FACILITY AND NURSING FACILITY EMPLOYEE APPLICANTS.—

(1) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

''(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

''(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

''(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) SKILLED NURSING FACILITY WORKER.—The term 'skilled nursing facility worker' means any individual (other than a volunteer) that has access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(2) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

''(8) SCREENING OF NURSING FACILITY WORKERS.—

''(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

''(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

''(ii) require, as a condition of employment, that such worker—

''(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

''(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

''(III) provide in person to the facility a copy of the worker's fingerprints or thumb print, depending upon available technology; and

''(IV) provide any other identification information the Secretary may specify in regulation;

''(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

''(iv) if that system does not contain any such disqualifying information—

''(I) request through the appropriate State agency that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

''(II) submit to such State agency the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

''(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

''(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

''(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

''(C) REPORTING REQUIREMENTS.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

''(D) USE OF INFORMATION.—

''(i) IN GENERAL.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

''(ii) IMMUNITY FROM LIABILITY.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant

provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

''(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

''(E) CIVIL PENALTY.—

''(i) IN GENERAL.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

''(I) for the first such violation, $2,000; and

''(II) for the second and each subsequent violation within any 5-year period, $5,000.

''(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a nursing facility that—

''(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

''(II) knowingly fails to report a nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

''(F) DEFINITIONS.—In this paragraph:

''(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

''(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

''(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

''(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

''(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

''(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

''(II) such other types of acts as the Secretary may specify in regulations.

''(iv) NURSING FACILITY WORKER.—The term 'nursing facility worker' means any individual (other than a volunteer) that has access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.''.

(3) FEDERAL RESPONSIBILITIES.—

(A) DEVELOPMENT OF STANDARD FEDERAL AND STATE BACKGROUND CHECK FORM.—The Secretary of Health and Human Services, in consultation with the Attorney General and representatives of appropriate State agencies, shall develop a model form that an applicant for employment at a nursing facility may complete and Federal and State agencies may use to conduct the criminal background checks required under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)) (as added by this section).

(B) PERIODIC EVALUATION.—The Secretary of Health and Human Services, in consultation with the Attorney General, periodically shall evaluate the background check system imposed under sections 1819(b)(8) and 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)) (as added by this section) and shall implement changes, as necessary, based on available technology, to make the background check system more efficient and able to provide a more immediate response to long-term care providers using the system.

(4) NO PREEMPTION OF STRICTER STATE LAWS.—Nothing in section 1819(b)(8) or 1919(b)(8) of the Social Security Act (42 U.S.C. 1395i–3(b)(8), 1396r(b)(8)) (as so added) shall be construed to supersede any provision of State law that—

(A) specifies a relevant crime for purposes of prohibiting the employment of an individual at a long-term care facility (as defined in section 1128E(g)(6) of the Social Security Act (as added by section 3(f) of this Act) that is not included in the list of such crimes specified in such sections or in regulations promulgated by the Secretary of Health and Human Services to carry out such sections; or

(B) requires a long-term care facility (as so defined) to conduct a background check prior to employing an individual in an employment position that is not included in the positions for which a background check is required under such sections.

(5) TECHNICAL AMENDMENTS.—Effective as if included in the enactment of section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–585), as enacted into law by section 1(a)(6) of Public Law 106–554, sections 1819(b) and 1919(b) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)), as amended by such section 941 (as so enacted into law) are each amended by redesignating the paragraph (8) added by such section as paragraph (9).

(b) FEDERAL AND STATE REQUIREMENTS CONCERNING BACKGROUND CHECKS.—

(1) MEDICARE.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following:

''(6) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON SKILLED NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO SKILLED NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) immediately report to the skilled nursing facility in writing the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

''(II) STATE.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(2) MEDICAID.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

''(8) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING FACILITY EMPLOYEES.—

''(A) IN GENERAL.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State

records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall immediately submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

''(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

''(C) STATE REPORTING OF INFORMATION TO NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

''(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

''(ii) immediately report to the nursing facility in writing the results of such review; and

''(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

''(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

''(i) AUTHORITY TO CHARGE FEES.—

''(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

''(II) STATE.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

''(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

''(E) REGULATIONS.—

''(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

''(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

''(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

''(i) the number of requests for searches and exchanges of records made under this section;

''(ii) the disposition of such requests; and

''(iii) the cost of responding to such requests.''.

(c) APPLICATION TO OTHER ENTITIES PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES.—

(1) MEDICARE.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

''APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES

''SEC. 1897. (a) IN GENERAL.—The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services to an individual entitled to benefits under part A or enrolled under part B, including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C (in this section referred to as a 'medicare beneficiary').

''(b) SUPERVISION OF PROVISIONAL EMPLOYEES.—

''(1) IN GENERAL.—With respect to an entity that provides home health services, such entity shall be considered to have satisfied the requirements of section 1819(b)(8)(B)(ii) or 1919(b)(8)(B)(ii) if the entity meets such requirements for supervision of provisional employees of the entity as the Secretary shall, by regulation, specify in accordance with paragraph (2).

''(2) REQUIREMENTS.—The regulations required under paragraph (1) shall provide the following:

''(A) Supervision of a provisional employee shall consist of ongoing, good faith, verifiable efforts by the supervisor of the provisional employee to conduct monitoring and oversight activities to ensure the safety of a medicare beneficiary.

''(B) For purposes of subparagraph (A), monitoring and oversight activities may include (but are not limited to) the following:

''(i) Follow-up telephone calls to the medicare beneficiary.

''(ii) Unannounced visits to the medicare beneficiary's home while the provisional employee is serving the medicare beneficiary.

''(iii) To the extent practicable, limiting the provisional employee's duties to serving only those medicare beneficiaries in a home or setting where another family member or resident of the home or setting of the medicare beneficiary is present.''.

(2) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (64), by striking ''and'' at the end;

(B) in paragraph (65), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (65) the following:

''(66) provide that any entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title XVIII), or long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919 and section 1897(b) (in the same manner as such section applies to a medicare beneficiary).''.

(3) EXPANSION OF STATE NURSE AIDE REGISTRY.—

(A) MEDICARE.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (i) all individuals''; and

(cc) by inserting before the period the following: '', (ii) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of any provider of services or any other entity that is eligible to be paid under this title for providing home health services, hospice care (including routine home care and other services included in hospice care under this title), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property''; and

(III) in subparagraph (C), by striking ''a nurse aide'' and inserting ''an individual''; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: ''The State shall provide, through the agency responsible for surveys and certification of skilled nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a skilled nursing facility employee of a resident in a skilled nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii).''; and

(II) in the fourth sentence of subparagraph (C), by inserting ''or described in subsection (e)(2)(A)(iii)'' after ''used by the facility''; and

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking ''NURSE AIDE''; and

(bb) in clause (i), in the matter preceding subclause (I), by striking ''a nurse aide'' and inserting ''an individual''; and

(cc) in clause (i)(I), by striking ''nurse aide'' and inserting ''individual''.

(B) MEDICAID.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ''NURSE AIDE REGISTRY'' and inserting ''EMPLOYEE REGISTRY'';

(II) in subparagraph (A)—

(aa) by striking ''By not later than January 1, 1989, the'' and inserting ''The'';

(bb) by striking ''a registry of all individuals'' and inserting ''a registry of (i) all individuals''; and

(cc) by inserting before the period the following: '', (ii) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B), and (iii) any employee of an entity that is eligible to be paid under the State plan for providing home health services, hospice care (including routine home care and other services included in hospice care under title

XVIII), or long-term care services and with respect to whom the entity has reported to the State a finding of patient neglect or abuse or a misappropriation of patient property''; and

(III) in subparagraph (C), by striking ''a nurse aide'' and inserting ''an individual''; and

(ii) in subsection (g)(1)—

(I) by striking the first sentence of subparagraph (C) and inserting the following: ''The State shall provide, through the agency responsible for surveys and certification of nursing facilities under this subsection, for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a nursing facility employee of a resident in a nursing facility, by another individual used by the facility in providing services to such a resident, or by an individual described in subsection (e)(2)(A)(iii).''; and

(II) in the fourth sentence of subparagraph (C), by inserting ''or described in subsection (e)(2)(A)(iii)'' after ''used by the facility''; and

(III) in subparagraph (D)—

(aa) in the subparagraph heading, by striking ''NURSE AIDE''; and

(bb) in clause (i), in the matter preceding subclause (I), by striking ''a nurse aide'' and inserting ''an individual''; and

(cc) in clause (i)(I), by striking ''nurse aide'' and inserting ''individual''.

(d) REIMBURSEMENT OF COSTS FOR BACKGROUND CHECKS.—The Secretary of Health and Human Services shall reimburse nursing facilities, skilled nursing facilities, and other entities for costs incurred by the facilities and entities in order to comply with the requirements imposed under sections 1819(b)(8) and 1919(b)(8) of such Act (42 U.S.C. 1395i–3(b)(8), 1396r(b)(8)), as added by this section.

SEC. 3. INCLUSION OF ABUSIVE WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) INCLUSION OF ABUSIVE ACTS WITHIN A LONG-TERM CARE FACILITY OR PROVIDER.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

''(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.''.

(b) COVERAGE OF LONG-TERM CARE FACILITY OR PROVIDER EMPLOYEES.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting '', and includes any individual of a long-term care facility or provider (other than any volunteer) that has access to a patient or resident of such a facility under an employment or other contract, or both, with the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, providing services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants)'' before the period.

(c) REPORTING BY LONG-TERM CARE FACILITIES OR PROVIDERS.—

(1) IN GENERAL.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a–7e(b)(1)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility or provider''.

(2) CORRECTION OF INFORMATION.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a–7e(c)(2)) is amended by striking ''and health plan'' and inserting '', health plan, and long-term care facility or provider''.

(d) ACCESS TO REPORTED INFORMATION.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended by striking ''and health plans'' and inserting '', health plans, and long-term care facilities or providers''.

(e) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES OR PROVIDERS.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

''(3) MANDATORY CHECK OF DATABASE BY LONG-TERM CARE FACILITIES OR PROVIDERS.—A long-term care facility or provider shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility or provider who will have access to a patient or resident of the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, individuals who provide home care, and personal care workers and attendants).''.

(f) DEFINITION OF LONG-TERM CARE FACILITY OR PROVIDER.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

''(6) LONG-TERM CARE FACILITY OR PROVIDER.—The term 'long-term care facility or provider' means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a provider of hospice care (as defined in section 1861(dd)(1)), a long-term care hospital (as described in section 1886(d)(1)(B)(iv)), an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility or entity that provides, or is a provider of, long-term care services, home health services, or hospice care (including routine home care and other services included in hospice care under title XVIII), and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2003.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. SFFECTIVE DATE.

This Act and the amendments made by the Act shall take effect on the date that is 6 months after the effective date of final regulations promulgated to carry out this Act and such amendments.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3092. A bill to amend title XXI of the Social Security Act to extend the availability of allotments to States for fiscal years 1998 through 2000, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Children's Health Protection and Eligibility Act. I am delighted to be joined on this bill with my good friend, Senator PATTY MURRAY. Senator MURRAY has been a champion for children's health issues throughout her career in the Senate. This important legislation addresses the allocation of budgeted but unspent SCHIP funds that are currently out of reach of states and, under current law, are scheduled to be returned to the federal treasury. This legislation also helps those States with the highest unemployment rates use more of their SCHIP dollars to provide health insurance coverage for low-income children.

Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at 7.2 percent, we have one of the highest unemployment rates in the country, 202,000 Washingtonians are unable to find work. And over the last 12 months, our State has lost 50,000 jobs, and 60 percent of those are in the high-paying manufacturing sector.

In 2000, before the recession began, there were 780,000 uninsured people in Washington state, including 155,000 children. That number has surely grown as the economy has worsened and our population has risen. In fact, just last week the Census Bureau reported that the number of uninsured increased for the first time in two years. Sadly, there are 41.2 million people nationwide without health insurance, 8.5 million of whom are children.

The increasing number of uninsured isn't the only problem facing the health care system. In September, the Kaiser Family Foundation reported the largest increase in health insurance premium costs since 1990, while the Center for Studying Health System Change found that health care spending has returned to double-digit growth for the first time since that year.

The lack of health insurance has very real consequences. We know that the uninsured are four times as likely as the insured to delay or forego needed care, and uninsured children are six times as likely as insured children to go without needed medical care. Health insurance matters for kids, and coverage today defrays costs tomorrow.

Five years ago, Congress created a new $40 billion state grant program to provide health insurance to low-income, uninsured children who live in families that earn too much to qualify for Medicaid but not enough to afford private insurance. In most states, the State Children's Health Insurance Program, SCHIP, has been extremely successful. Nearly one million children

gained coverage each year through SCHIP and, by December 2001, 3.5 million children were enrolled in the program.

Unfortunately, however, not all States have been able to participate in this success, and perversely, these are the states that had taken bold initiatives by expanding their Medicaid programs to cover low-income children at higher levels of poverty. Sadly, the recession and high unemployment means that the health insurance coverage we do have for children, pregnant women, and low-income individuals is in jeopardy due to State budget crises.

Washington State has been a leader in providing health insurance to our constituents. We have long provided optional coverage to Medicaid populations and began covering children up to 200 percent of poverty in 1994, three years before Congress passed SCHIP

When SCHIP was enacted in 1997, most States were prohibited from using the new funding for already covered populations. This flaw made it difficult for Washington to access the money and essentially penalized the few States that had led the nation on expanding coverage for kids. This means that my State only receives the enhanced SCHIP matching dollars for covering kids between 200 and 250 percent of the Federal poverty level. Washington has been able to use less than four percent of the funding the Federal Government gave us for SCHIP.

Today, Washington has the highest unemployment in the country, an enormous budget deficit, and may need to cut as many as 150,000 kids from the Medicaid roles. Because it is penalized by SCHIP rules and cannot use funds like other States, Washington State is sending $95 million back to the Federal treasury or to other States. This defies common sense, and I do not believe that innovative States should be penalized for having expanded coverage to children before the enactment of SCHIP.

This is why we are introducing the Children's Health Protection and Eligibility Act. This bill will give States the ability to use SCHIP funds more efficiently to prevent the loss of health care coverage for children. This bill targets expiring funds to States that otherwise may have to cut health care coverage for kids. States that have made a commitment to insuring children could use expiring SCHIP funds and a portion of current SCHIP funds on a short-term basis to maintain access to health care coverage for all low-income children in the State. The bill also ensures that all states that have demonstrated a commitment to providing health care coverage to children can access SCHIP funds in the same manner to support children's health care coverage.

First, as my colleagues know, 1998 and 1999 State allotments ''expired'' at the end of fiscal year 2002 and are scheduled to be returned to the federal treasury. Our bill allows states to keep their remaining 1998 and 1999 funds, and use these funds for the for the purposes of this legislation.

Second, unused SCHIP dollars from the fiscal year 2000 allotment are due to be redistributed at the end of fiscal year 2002 among those States that have spent all of their SCHIP funds. Our bill would allow the retention and redistribution these funds as was done two years ago through the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act, P.L. 106–554. However, under our bill, States that had an unemployment rate higher than six percent for two consecutive months in 2002 would be eligible to keep all of their unspent 2000 SCHIP allotment.

Third, at State option, for certain Medicaid expenditures, qualifying States would receive the difference between their Medicaid federal matching assistance percentage, or FMAP, and their enhanced SCHIP matching rate. This temporary measure would be paid out of a State's current SCHIP allotment to ensure children's health care coverage does not erode as states face enormous budget deficits. States would be able to use any remaining funds from fiscal years 1998, 1999, and 2000 SCHIP allotments, plus ten percent of fiscal 2001, 2002, and 2003 allotments.

Finally, our bill allows States that have expanded coverage to the highest eligibility levels allowed under SCHIP, and meet certain requirements, to receive the enhanced SCHIP match rate for any kids that had previously been covered above the mandatory level.

Children are the leaders of tomorrow; they are the very future of our great nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. During this tough economic time, it is more important than ever to maintain existing health care coverage for children in order to hold down health care costs and to keep children healthy. I urge my colleagues to join us in support of this bill.

By Mr. WYDEN (for himself and Mr. KYL):

S. 3093. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, over the past seven years, Congressman CHRIS COX and I have teamed up several times on legislation affecting the Internet. The Global Internet Freedom Act that I will introduce today could be called ''Cox-Wyden V,'' because this is our fifth collaboration. I am pleased to be joined by Senator KYL in introducing this bill in the Senate.

This legislation aims to foster the development and deployment of technologies to defeat state-sponsored Internet jamming and censorship, and in turn, to help unleash the potential of the Internet to promote the causes of freedom and democracy worldwide.

This is a time when Americans are acutely focused on security threats emanating from sources beyond U.S. borders. The terrorist attacks of September 11 made plain that ignorance, extremism, and hate abroad can have terrible consequences not just in other countries, but right here at home. And the daily drumbeat of debate over Iraq emphasizes that oppressive foreign regimes can pose serious hazards. The world is truly getting smaller.

In the field of information technology, Americans have rightly responded with a renewed emphasis on cybersecurity. The interlinked computer networks that make up the Internet, and on which American's critical infrastructure increasingly relies, must be secured against would-be cyberterrorists. This is a matter of top importance, and I have sponsored legislation, as Chairman of the Science and Technology Subcommittee, to promote research and innovation in this area. It is my hope that the Cybersecurity Research and Development Act will be signed by the President in the coming weeks.

But it is important to remember that the international nature of the Internet does not just create new threats. It also presents tremendous new opportunities.

Openness, transparency, and the unfettered flow of information have always been the allies of freedom and democracy. Over time, nothing erodes oppression and intolerance like the widespread dissemination of knowledge and ideas. And technology has often played a key role in this process. From the printing press to radio, technological advances have revolutionized the spread information and ideas and opened up new horizons for people everywhere. Not surprisingly, the foes of freedom, understanding the threat these technologies pose, have often responded with such steps as censoring the press, jamming radio broadcasts, and putting media outlets under state control.

The Internet promises to revolutionize the spread of information yet again. Unlike its predecessor technologies, it offers a truly worldwide network that makes geographic distance irrelevant. It enables any person connected to it to exchange ideas quickly and easily with people and organizations on the other side of the globe. The quantity and variety of information it permits access to are virtually unlimited.

So once again, governments that fear freedom are trying to rein in the technology's potential. They block access to websites. They censor websites and email. They interrupt Internet search engines when users try explore the ''wrong'' topics. They closely monitor citizens' Internet usage and make it known that those who visit the ''wrong'' websites will be punished. Or

they prevent Internet access altogether, by prohibiting ownership of personal computers.

For a confirmed example of this, I would simply call attention to the inaugural report of the Congressional-Executive Commission on China, issued just last week, October 2. This report, the product of a bipartisan commission with members from the Senate, the House of Representatives, and the Administration, finds that ''over the last 18 months, the Chinese government has issued an extensive and still growing series of regulations restricting Internet content and placing monitoring requirements on industry.'' It goes on to cite accounts of the Chinese government using high-tech software and hardware to ''block, filter, and hack websites and e-mail.'' Offshore dissident websites, foreign news websites, search engines, and Voice of America's weekly e-mail to China are all subject to being blocked. Internet users attempting to access foreign websites often find themselves redirected to Chinese government-approved websites.

Other countries, from Cuba to Burma to Tunisia to Vietnam, engage in similar activity.

There are technologies that can help defeat the firewalls and filters that these governments choose to erect. Proxy servers, intermediaries, ''mirrors,'' and encryption may all have useful applications in this regard. But the U.S. Government has done little to promote technological approaches. This country devotes considerable resources to combat the jamming of Voice of America broadcasting abroad. But to date, it has budgeted only about $1 million for technologies to counter Internet jamming and censorship.

This country can and should do better. The Internet is too important a communications medium, and its potential as a force for freedom and democracy is too great, to make a second-rate effort in this area.

That is why Senator KYL and I are introducing the Global Internet Freedom Act today. It is time for the U.S. Government to make a serious commitment to support technology that can help keep the Internet open, available, and free of political censorship for people all over the world.

This legislation would establish an Office of Global Internet Freedom, with the express mission of promoting technology to combat state-sponsored Internet jamming. The office would be based in the Department of Commerce's National Telecommunications and Information Administration, NTIA, to take advantage of NTIA's extensive expertise in international telecommunications and Internet issues. Location within the Department of Commerce will also help ensure close ties with American technology companies, whose active involvement will be essential for any technology-based effort to succeed. Cooperation with the International Broadcasting Bureau will be indispensable as well, and is required in the legislation.

Funding for the new office would be authorized at $30 million for each of the next two fiscal years. The office would make an annual report to Congress on its activities, and on the extent of state-sponsored Internet blocking in different countries around the world.

Finally, the bill would express the sense of Congress that the United States should denounce the practice of state-sponsored blocking of access to the Internet, should submit a resolution on the topic to the United Nations Human Rights Convention, and should deploy technologies to address the problem as soon as practicable.

As I mentioned at the outset, Representatives CHRIS COX and TOM LANTOS have already introduced companion legislation in the House, and I strongly applaud them for taking the lead on this issue. Here in the Senate, I urge my colleagues to join Senator KYL and myself in this important, bipartisan effort.

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

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

S. 3093

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 ''Global Internet Freedom Act''.

SEC. 2 FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and freedom of association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that ''Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble.'' These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nation's Universal Declaration of Human Rights explicitly guarantees the freedom to ''receive and impart information and ideas through any media and regardless of frontiers''.

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world's population now online, and more gaining access each day, the Internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented.

(4) Unrestricted access to news and information on the Internet is a check on repressive rule by authoritarian regimes around the world.

(5) The governments of Burma, Cuba, Laos, North Korea, the People's Republic of China, Saudi Arabia, Syria, and Vietnam, among others, are taking active measures to keep their citizens from freely accessing the Internet and obtaining international political, religious, and economic news and information.

(6) Intergovernmental, nongovernmental, and media organizations have reported the widespread and increasing pattern by authoritarian governments to block, jam, and monitor Internet access and content, using technologies such as firewalls, filters, and ''black boxes''. Such jamming and monitoring of individual activity on the Internet includes surveillance of e-mail messages, message boards, and the use of particular words; ''stealth blocking'' individuals from visiting websites; the development of ''black lists'' of users that seek to visit these websites; and the denial of access to the Internet.

(7) The Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(8) Since the 1940s, the United States has deployed anti-jamming technologies to make Voice of America and other United States Government sponsored broadcasting available to people in nations with governments that seek to block news and information.

(9) The United States Government has thus far commenced only modest steps to fund and deploy technologies to defeat Internet censorship. To date, the Voice of America and Radio Free Asia have committed a total of $1,000,000 for technology to counter Internet jamming by the People's Republic of China. This technology, which has been successful in attracting 100,000 electronic hits per day from the People's Republic of China, has been relied upon by Voice of America and Radio Free Asia to ensure access to their programming by citizens of the People's Republic of China, but United States Government financial support for the technology has lapsed. In most other countries there is no meaningful United States support for Internet freedom.

(10) The success of United States policy in support of freedom of speech, press, and association requires new initiatives and technologies to defeat totalitarian and authoritarian controls on news and information over the Internet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to adopt an effective and robust global Internet freedom policy;

(2) to establish an office within the National Telecommunications and Information Administration with the sole mission of promoting technological means of countering Internet jamming and blocking by repressive regimes;

(3) to expedite the development and deployment of technology to protect Internet freedom around the world;

(4) to authorize the commitment of a substantial portion of United States Government resources to the continued development and implementation of technologies to counter the jamming of the Internet;

(5) to utilize the expertise of the private sector in the development and implementation of such technologies, so that the many current technologies used commercially for securing business transactions and providing virtual meeting space can be used to promote democracy and freedom; and

(6 to bring to bear the pressure of the free world on repressive governments guilty of Internet censorship and the intimidation and persecution of their citizens who use the Internet.

SEC. 4. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.

(a) ESTABLISHMENT OF OFFICE OF GLOBAL INTERNET FREEDOM.—There is established in the National Telecommunications and Information Administration the Office of Global Internet Freedom (hereinafter in this Act referred to as the ''Office''). The Office shall be

headed by a Director who shall develop and implement, in consultation with the International Broadcasting Bureau, a comprehensive global strategy for promoting technology to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office $30,000,000 for each of the fiscal years 2003 and 2004.

(c) CORPORATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Each department and agency of the United States Government shall cooperate fully with, and assist in the implementation of, the strategy developed by the Office and shall make such resources and information available to the Office as is necessary to the achievement of the purposes of this Act.

(d) REPORT TO CONGRESS.—On March 1 following the date of the enactment of this Act and annually thereafter, the Director of the Office shall submit to the Congress a report on the status of state interference with Internet use and of efforts by the United States to counter such interference. Each report shall list the countries that pursue policies of Internet censorship, blocking, and other abuses; provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship; and describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished. In the discretion of the Director, such report may be submitted in both a classified and nonclassified version.

(e) LIMITATION ON AUTHORITY.—Nothing in this Act shall be interpreted to authorize any action by the United States to interfere with foreign national censorship for the purpose of protecting minors from harm, preserving public morality, or assisting with legitimate law enforcement aims.

SEC. 5. SENSE OF CONGRESS.

It is the sense of the Congress that the United States should—

(1) publicly, prominently, and consistently denounce governments that restrict, censor, ban, and block access to information on the Internet;

(2) direct the United States Representative to the United Nations to submit a resolution at the next annual meeting of the United Nations Human Rights Commission condemning all governments that practice Internet censorship and deny freedom to access and share information; and

(3) deploy, at the earliest practicable date, technologies aimed at defeating state-directed Internet censorship and the persecution of those who use the Internet.

Mr. KYL. Mr. President, I rise today to introduce, with Senator WYDEN, the Global Internet Freedom Act.

The Internet is one of the most powerful tools to promote the exchange of ideas and to disseminate information. In that regard, it is a key component in our efforts to reach populations living under undemocratic governments that continue to restrict freedom of speech, the press, and association. Unfortunately, however, many authoritarian governments including the regimes in the People's Republic of China, Saudi Arabia, Syria, Vietnam, Cuba, and North Korea aggressively block and censor the Internet, often subjecting to torture and imprisonment those individuals who dare to resist the controls.

In Vietnam, for example, the Prime Minister issued a decree in August 2000 that prohibits individuals from using the Internet ''for the purpose of hostile actions against the country or to destabilize security, violate morality, or violate other laws and regulations.'' The Communist government owns and controls the sole Internet access provider, which is authorized to monitor the sites that subscribers use. It erects firewalls to block sites it deems politically or culturally inappropriate. And it is seeking additional authority to monitor some 4,000 Internet cafes in Vietnam, and hold responsible the owners of these cafes for customer use of the Internet.

The situation in Syria is no better. Like Vietnam, that country has only one government-run Internet service provider. The Government blocks access to Internet sites that contain information deemed politically sensitive including pro-Israel sites and also periodically blocks access to servers that provide free e-mail services. In 2000, the Syrian Government which monitors e-mail detained one individual for simply forwarding via e-mail a political cartoon.

The Chinese Government is one of the worst offenders. Beijing has passed sweeping regulations in the past 2 years prohibiting news and commentary on Internet sites in China that are not state-sanctioned. The Ministry of Information Industry regulates Internet access, and the Ministries of Public and State Security monitor its use. According to the State Department's most recent Country Reports on Human Rights Practices.

Despite the continued expansion of the Internet in the country, the Chinese government maintained its efforts to monitor and control content on the Internet. . . . The authorities block access to Web sites they find offensive. Authorities have at times blocked politically sensitive Web sites, including those of dissident groups and some major foreign news organizations, such as the VOA, the Washington Post, the New York Times, and the BBC.

The U.S.-China Security Review Commission noted in its recent report that China has even convinced American companies like Yahoo! to assist in its censorship efforts, and others, like America Online, to leave open the possibility of turning over names, e-mail addresses, or records of political dissidents if the Chinese Government demands them.

Those who attempt to circumvent Internet restrictions in China are often subject to harsh punishment. For example, Huang Qi, the operator of an Internet site that posted information about missing persons, including students who disappeared in the 1989 Tiananmen massacre, was tried secretly and found guilty of ''subverting state power.'' According to the State Department, Huang was bound hand and foot and beaten by police while they tried to force him to confess.

These are but a few examples of the incredible lengths that authoritarian governments will go to in order to preserve control over their populations and prevent change. Voice of America, Radio Free Asia, Amnesty International, and the National Endowment for Democracy—just to name a few—all utilize the Internet to try to provide news, spread democratic values, and promote human rights in these countries. But the obstacles they face are great.

The U.S. private sector is developing a number of techniques and technologies to combat Internet blocking. Unfortunately, however, the U.S. Government has contributed few resources to assist these efforts and to put the new techniques to use. For example, Voice of America and Radio Free Asia have budgeted only $1 million for technology to counter Chinese Government Internet jamming, and that funding has now expired.

This is why I am pleased to introduce the Global Internet Freedom Act. This bill will take an important step toward promoting Internet freedom throughout the world. Specifically, it establishes, within the Commerce Department's National Telecommunications and Information Administration, the Office of Global Internet Freedom. It authorizes $30 million per year in fiscal years 2003 and 2004 for this office, which would be responsible for developing and implementing a comprehensive global strategy to combat state-sponsored Internet jamming and persecution of Internet users. Additionally, the director of the office would be required to submit to Congress an annual report on U.S. efforts to counter state interference with Internet use.

Similar legislation has already been introduced in the House of Representatives by Congressmen COX and LANTOS.

I cannot stress enough the importance of the Internet in promoting the flow of democratic ideas. If the benefits of the Internet are able to reach more and more people around the globe, repressive governments will begin to be challenged by individuals who are freely exchanging views and getting uncensored news and information.

The United States should take full advantage of the opportunities inherent in worldwide access to the Internet, and should make clear to the international community that fostering Internet freedom is a top priority. Creation of an Office of Global Internet Freedom will enable us to do just that.

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

By Mr. DORGAN (for himself, Mr. ROBERTS, Mr. CONRAD, Mr. CRAPO, Mr. CRAIG, Mr. BURNS, Mr. JOHNSON, Mr. ALLARD, Mr. BROWNBACK, and Mr. CAMPBELL):

S. 3094. A bill to amend the Farm Security and Rural Investment Act of 2002 to clarify the rates applicable to marketing assistance loans and loan deficiency payments for other oilseeds, dry peas, lentils, and small chickpeas; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today along with Senators ROBERTS, CONRAD, CRAPO, CRAIG, BURNS, JOHNSON, ALLARD, BROWNBACK, and CAMPBELL I am introducing legislation to clarify Congressional intent regarding minor oilseed and pulse crop loan rates in the Farm Security and Rural Investment Act, FSRIA, of 2002. This is a redraft of legislation introduced last July.

In June, the United States Department of Agriculture incorrectly interpreted the intent of the new farm bill when the Farm Service Agency arbitrarily announced a wide range of minor oilseed loan rates. For some minor oilseed crops, the loan rate increased substantially, while for others, the rates plunged. A few months later, in early September, the Farm Service Agency continued to err when it announced the loan rates for dry peas, lentils and small chickpeas that completely ignored the instructions laid down by the Statement of Managers that accompanied the conference report of the new farm bill.

Not once during the farm bill debate was there ever discussion of splitting apart minor oilseed loan rates. In fact, the minor oilseed industry and farmers alike anticipated a county-level increase in loan rates from $9.30 to 9.60/cwt. The announcement by the Farm Service Agency caught virtually everyone in the agriculture community by surprise.

This legislation is intended to correct this misinterpretation of the new farm bill, and to prevent what will certainly be extreme acreage shifts among these crops in the coming years should these rates be allowed to stand. These acreage shifts will destroy segments of the minor oilseed and pulse crop industry that have been painstakingly developed over a number of years.

For instance, already, users of the oil derived from oil sunflowers anticipate supply shortages next year and have indicated they may remove sunflower oil from their product mix. Conversely, incentives caused by the much higher confectionery sunflower loan rate could deluge USDA with massive loan forfeitures of low quality confectionery sunflowers if farmers simply grow for the loan rate rather than a quality crop that has a market.

The legislation amends the new farm bill by simply and redundantly listing each minor oilseed crop after the stated loan rate. The legislation reinstates the cramby and sesame seed loan rates that were eliminated by USDA. The legislation also puts into bill language the instructions that were spelled out in the Statement of Managers regarding a single loan rate for all sunflowers and the quality grades for the loan rates for dry peas, lentils and small chickpeas.

This legislation should not be needed. USDA could easily repeal the current announcement of minor oilseed and pulse crop loan rates in favor of rates consistent with this legislation and the new farm bill, as I and my colleagues have asked in recent meetings and letters on this issue.

I request unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3094

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

SECTION 1. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR OTHER OILSEEDS, DRY PEAS, LENTILS, AND SMALL CHICKPEAS.

(a) DEFINITION OF OTHER OILSEED.—Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.—Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) REPAYMENT OF LOANS.—Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect as if included in the provisions of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171) to which this section and the amendments relate.

By Mr. DURBIN:

S. 3095. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing legislation that would strengthen consumer confidence in the safety of genetically engineered foods and genetically engineered animals that may enter the food supply. This bill, known as the Genetically Engineered Foods Act, requires an FDA review of all genetically engineered foods, and requires an environmental review to be conducted as part of the safety review for genetically engineered animals. In addition, the Genetically Engineered Foods Act creates a transparent process that will better inform and involve the public as decisions are made regarding the safety of all genetically engineered foods and animals.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world, but we can always do better. Genetically engineered foods have become a major part of the American food supply in recent years. Many of the foods we consume now contain genetically engineered ingredients such as corn and soy. These foods have been enhanced with important qualities that help farmers grow crops more efficiently. However, their development has raised important questions about the safety of these foods and the adequacy of government oversight.

Currently, genetically engineered foods are screened by the Federal Food and Drug Administration under a voluntary consultation program. The Genetically Engineered Foods Act will make this review program mandatory, and will strengthen government oversight in several important ways.

Mandatory Review: Producers of genetically engineered foods must receive approval from the FDA before introducing their products into interstate

commerce. The FDA will scientifically ensure that genetically engineered foods are just as safe as comparable food products before allowing them on the market.

Public Involvement: Scientific studies and other materials submitted to the FDA as part of the mandatory review of genetically engineered foods will be made available for public review and comment. Members of the public can submit any new information on genetically engineered foods not previously available to the FDA and request a new review of a particular genetically engineered food product even if that food is already on the market.

Testing: The FDA, in conjunction with other Federal agencies, will be given the authority to conduct scientifically-sound testing to determine whether genetically engineered foods are inappropriately entering the food supply.

Communication: The FDA and other Federal agencies will establish a registry of genetically engineered foods for easy access to information about those foods that have been cleared for market. The genetically engineered food review process will be fully transparent so that the public has access to all non-confidential information.

Environmental Review with respect to Animals: While genetically engineered foods such as corn and soy are already part of our food supply, genetically engineered animals will also soon be ready for market approval. These animals hold much promise for serving as an additional source of food for our nation. However, in the case of animals, we must ensure not only the safety of these products as they enter the food supply, but also the safety of these products as they come in contact with the environment.

The FDA has a mandatory review process in place that will be used to review the safety of genetically engineered animals before they enter the food supply. However, this bill will provide the FDA will additional oversight authorities to be used during the safety approval of genetically engineered animals.

Environmental issues have been identified as a major science-based concern associated with genetically engineered animals. Therefore, to obtain approval to market a genetically engineered animal, an environmental assessment must be conducted that analyzes the potential effects of the genetically engineered animal on the environment. A plan must also be in place to reduce or eliminate any negative effects. If the environmental assessment is not adequate, approval will not be granted.

Transparency: In order to gain the benefits that genetically engineered animals can offer as an additional source of food, public confidence must be maintained in the safety of the product. This bill will provide for public involvement in the approval process by providing information to consumers, as well as the opportunity to provide comments. Adding transparency will increase the public's understanding and confidence in the safety of these animals as they enter the food supply.

I urge my colleagues to join me in this effort to strengthen consumer confidence in the safety of genetically engineered foods and genetically engineered animals that may enter the food supply. The Genetically Engineered Foods Act can help provide the public with the added assurance that genetically engineered foods and animals are safe to produce and consume. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 3095

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 ''Genetically Engineered Foods Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) genetically engineered food is rapidly becoming an integral part of domestic and international food supplies;

(2) the potential positive effects of genetically engineered foods are enormous;

(3) the potential for both anticipated and unanticipated effects exists with genetic engineering of foods;

(4) genetically engineered food not approved for human consumption has, in the past, entered the human food supply;

(5) environmental issues have been identified as a major science-based concern associated with animal biotechnology;

(6) it is essential to maintain—

(A) public confidence in—

(i) the safety of the food supply; and

(ii) the ability of the Federal Government to exercise adequate oversight of genetically engineered foods; and

(B) the ability of agricultural producers and other food producers of the United States to market, domestically and internationally, foods that have been genetically engineered;

(7) public confidence can best be maintained through careful review and formal determination of the safety of genetically engineered foods, and monitoring of the positive and negative effects of genetically engineered foods as the foods become integrated into the food supply, through a review and monitoring process that—

(A) is scientifically sound, open, and transparent;

(B) fully involves the general public; and

(C) does not subject most genetically engineered foods to the lengthy food additive approval process; and

(8) because genetically engineered foods are developed worldwide and imported into the United States, it is imperative that imported genetically engineered food be subject to the same level of oversight as domestic genetically engineered food.

SEC. 3. DEFINITIONS.

(a) THIS ACT.—In this Act, the terms ''genetic engineering technique'', ''genetically engineered animal'', ''genetically engineered food'', ''interstate commerce'', ''producer'', ''safe'', and ''Secretary'' have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) (as amended by subsection (b)).

(b) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended—

(1) in subsection (v)—

(A) by striking ''(v) The term'' and inserting the following:

''(v) NEW ANIMAL DRUG.—

''(1) IN GENERAL.—The term'';

(B) by striking ''(1) the composition'' and inserting ''(A) the composition'';

(C) by striking ''(2) the composition'' and inserting ''(B) the composition''; and

(D) by adding at the end the following:

''(2) INCLUSION.—The term 'new animal drug' includes—

''(A) a genetic engineering technique intended to be used to produce an animal; and

''(B) a genetically engineered animal.''; and

(2) by adding at the end the following:

''(ll) GENETIC ENGINEERING TECHNIQUE.—The term 'genetic engineering technique' means the use of a transformation event to derive food from a plant or animal or to produce an animal.

''(mm) GENETICALLY ENGINEERED ANIMAL.—The term 'genetically engineered animal' means an animal that—

''(1) is intended to be used—

''(A) in the production of a food or dietary supplement; or

''(B) for any other purpose;

''(2)(A) is produced in the United States; or

''(B) is offered for import into the United States; and

''(3) is produced using a genetic engineering technique.

''(nn) GENETICALLY ENGINEERED FOOD.—

''(1) IN GENERAL.—The term 'genetically engineered food' means a food or dietary supplement, or a seed, microorganism, or ingredient intended to be used to produce a food or dietary supplement, that—

''(A)(i) is produced in the United States; or

''(ii) is offered for import into the United States; and

''(B) is produced using a genetic engineering technique.

''(2) INCLUSION.—The term 'genetically engineered food' includes a split use food.

''(3) EXCLUSION.—The term 'genetically engineered food' does not include a genetically engineered animal.

''(oo) PRODUCER.—The term 'producer', with respect to a genetically engineered animal, genetically engineered food, or genetic engineering technique, means a person, company, or other entity that—

''(1) develops, manufactures, or imports the genetically engineered animal, genetically engineered food, or genetic engineering technique; or

''(2) takes other action to introduce the genetically engineered animal, genetically engineered food, or genetic engineering technique into interstate commerce.

''(pp) SAFE.—The term 'safe', with respect to a genetically engineered food, means as safe as comparable food that is not produced using a genetic engineering technique.

''(qq) SPLIT USE FOOD.—The term 'split use food' means a product that—

''(1)(A) is produced in the United States; or

''(B) is offered for import into the United States;

''(2) is produced using a genetic engineering technique; and

''(3) could be used as food by both humans and animals but that the producer does not intend to market as food for humans.

''(rr) TRANSFORMATION EVENT.—The term 'transformation event' means the introduction into an organism of genetic material that has been manipulated in vitro.''.

SEC. 4. GENETICALLY ENGINEERED FOODS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended—

(1) by inserting after the chapter heading the following:

"Subchapter A—General Provisions"; and

(2) by adding at the end the following:

"Subchapter B—Genetically Engineered Foods

"SEC. 421. PREMARKET CONSULTATION AND APPROVAL.

''(a) IN GENERAL.—A producer of genetically engineered food, before introducing a genetically engineered food into interstate commerce, shall first obtain approval through the use of a premarket consultation and approval process.

''(b) REGULATIONS.—The Secretary shall promulgate regulations that describe—

''(1) all information that is required to be submitted for the premarketing approval process, including—

''(A) specification of the species or other taxonomic classification of plants for which approval is sought;

''(B) identification of the genetically engineered food;

''(C)(i) a description of each type of genetic manipulation made to the genetically engineered food;

''(ii) identification of the manipulated genetic material; and

''(iii) the techniques used in making the manipulation;

''(D) the effect of the genetic manipulation on the composition of the genetically engineered food (including information describing the specific substances that were expressed, removed, or otherwise manipulated);

''(E) a description of the actual or proposed applications and uses of the genetically engineered food;

''(F) information pertaining to—

''(i) the safety of the genetically engineered food as a whole; and

''(ii) the safety of any specific substances introduced or altered as a result of the genetic manipulation (including information on allergenicity and toxicity);

''(G) test methods for detection of the genetically engineered ingredients in food;

''(H) a summary and overview of information and issues that have been or will be addressed by other regulatory programs for the review of genetically engineered food;

''(I) procedures to be followed to initiate and complete the premarket approval process (including any preconsultation and consultation procedures); and

''(J) any other matters that the Secretary determines to be necessary.

''(2) SPLIT USE FOOD.—

''(A) IN GENERAL.—The regulations under paragraph (1) shall provide for the approval of—

''(i) split use foods that are not approved for human consumption;

''(ii) split use foods that are intended for human use but are marketed under restricted conditions; and

''(iii) other categories of split use food.

''(B) ISSUES.—For each category of split use food, the regulations shall address—

''(i)(I) whether a protocol is needed for segregating a restricted split use food from the food supply; and

''(II) if so, what the protocol shall be;

''(ii)(I) whether action is needed to ensure the purity of any seed to prevent unintended introduction of a genetically engineered trait into a seed that is not designed for that trait; and

''(II) if so, what action is needed and what industry practices represent the best practices for maintaining the purity of the seed;

''(iii)(I) whether a tolerance level should exist regarding cross-mixing of segregated split use foods; and

''(II) if so, the means by which the tolerance level shall be determined;

''(iv) the manner in which the food safety analysis under this section should be conducted, specifying different standards and procedures depending on the degree of containment for that product and the likelihood of the product to enter the food supply;

''(v)(I) the kinds of surveillance that are needed to ensure that appropriate segregation of split use foods is being maintained;

''(II) the manner in which and by whom the surveillance shall be conducted; and

''(III) the manner in which the results of surveillance shall be reported; and

''(vi) clarification of responsibility in cases of breakdown of segregation of a split use food.

''(C) RECALL AUTHORITY.—The regulations shall provide that, in addition to other authority that the Secretary has regarding split use food, the Secretary may order a recall of any split use food (whether or not the split use food has been approved under this section) that—

''(i) is not approved, but has entered the food supply; or

''(ii) has entered the food supply in violation of a condition of restriction under an approval.

''(c) APPLICATION.—The regulations shall require that, as part of the consultation and approval process, a producer submit to the Secretary an application that includes a summary and a complete copy of each research study, test result, or other information referenced by the producer.

''(d) REVIEW.—

''(1) IN GENERAL.—After receiving an application under subsection (c), the Secretary shall—

''(A) determine whether the producer submitted information that appears to be adequate to enable the Secretary to fully assess the safety of the genetically engineered food, and make a description of the determination publicly available; and

''(B) if the Secretary determines that the producer submitted adequate information—

''(i) provide public notice regarding the initiation of the consultation and approval process;

''(ii) make the notice, application, summaries submitted by the producer, and research, test results, and other information referenced by the producer publicly available, including, to the maximum extent practicable, publication in the Federal Register and on the Internet; and

''(iii) provide the public with an opportunity, for not less than 45 days, to submit comments on the application.

''(2) EXCEPTION.—The Secretary may withhold information in an application from public dissemination to protect a trade secret if—

''(A) the information is exempt from disclosure under section 522 of title 5, United States Code, or applicable trade secret law;

''(B) the applicant—

''(i) identifies with specificity the trade secret information in the application; and

''(ii) provides the Secretary with a detailed justification for each trade secret claim; and

''(C) the Secretary—

''(i) determines that the information qualifies as a trade secret subject to withholding from public dissemination; and

''(ii) makes the determination available to the public.

''(3) DETERMINATION.—Not later than 180 days after receiving the application, the Secretary shall issue and make publicly available a determination that—

''(A) summarizes the information referenced by the producer in light of the public comments; and

''(B) contains a finding that the genetically engineered food—

''(i) is safe and may be introduced into interstate commerce;

''(ii) is safe under specified conditions of use and may be introduced into interstate commerce if those conditions are met; or

''(iii) is not safe and may not be introduced into interstate commerce, because the genetically engineered food—

''(I) contains genes that confer antibiotic resistance;

''(II) contains an allergen; or

''(III) presents 1 or more other safety concerns described by the Secretary.

''(4) EXTENSION.—The Secretary may extend the period specified in paragraph (3) if the Secretary determines that an extension of the period is necessary to allow the Secretary to—

''(A) review additional information; or

''(B) address 1 or more issues or concerns of unusual complexity.

''(e) RESCISSION OF APPROVAL.—

''(1) RECONSIDERATION.—On the petition of any person, or on the Secretary's own motion, the Secretary may reconsider an approval of a genetically engineered food on the basis of information that was not available before the approval.

''(2) FINDING FOR RECONSIDERATION.—The Secretary shall conduct a reconsideration on the basis of the information described in paragraph (1) if the Secretary finds that the information—

''(A) is scientifically credible;

''(B) represents significant information that was not available before the approval; and

''(C)(i) suggests potential impacts relating to the genetically engineered food that were not considered in the earlier review; or

''(ii) demonstrates that the information considered before the approval was inadequate for the Secretary to make a safety finding.

''(3) INFORMATION FROM THE PRODUCER.—In conducting the reconsideration, the Secretary may require the producer to provide information needed to facilitate the reconsideration.

''(4) DETERMINATION.—After reviewing the information by the petitioner and the producer, the Secretary shall issue a determination that—

''(A) revises the finding made in connection with the approval with respect to the safety of the genetically engineered food; or

''(B) states that, for reasons stated by the Secretary, no revision of the finding is needed.

''(5) ACTION BY THE SECRETARY.—If, based on a reconsideration under this section, the Secretary determines that the genetically engineered food is not safe, the Secretary shall—

''(A) rescind the approval of the genetically engineered food for introduction into interstate commerce;

''(B) recall the genetically engineered food; or

''(C) take such other action as the Secretary determines to be appropriate.

''(f) EXEMPTIONS.—

''(1) IN GENERAL.—The Secretary may by regulation exempt a category of genetically engineered food from the regulations under subsection (b) if the Secretary determines that the category of food does not pose a food safety risk.

''(2) REQUIREMENTS.—A regulation under paragraph (1) shall—

''(A) contain a narrowly specified definition of the category that is exempted;

''(B) describe with specificity the genetically engineered foods that are included in the category; and

''(C) describe with specificity the genes, proteins, and adjunct technologies (including

use of markers or promoters) that are involved in the genetic engineering of the foods included in the category.

''(3) PUBLIC COMMENT.—The Secretary shall provide an opportunity for the submission of comments by interested persons on a proposed regulation under paragraph (1).

''SEC. 422. MARKETPLACE TESTING.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall establish a program to conduct testing that the Secretary determines to be necessary to detect, at all stages of production and distribution (from agricultural production to retail sale), the presence of genetically engineered ingredients in food.

''(b) PERMISSIBLE TESTING.—Under the program, the Secretary may conduct tests on foods to detect genetically engineered ingredients—

''(1) that have not been approved for use under this Act, including foods that are developed in foreign countries that have not been approved for marketing in the United States under this Act; or

''(2) the use of which is restricted under this Act (including approval for use as animal feed only, approval only if properly labeled, and approval for growing or marketing only in certain regions).

''SEC. 423. REGISTRY.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the heads of other agencies, as appropriate, shall establish a registry for genetically engineered food that contains a description of the regulatory status of all genetically engineered foods approved under section 421.

''(b) REQUIREMENTS.—The registry under subsection (a) shall contain, for each genetically engineered food—

''(1) the technical and common names of the genetically engineered food; and

''(2) a description of the regulatory status, under all Federal programs pertaining to the testing and approval of genetically engineered foods, of the genetically engineered food;

''(3) a technical and nontechnical summary of the type of, and a statement of the reason for, each genetic manipulation made to the genetically engineered food;

''(4) the name, title, address, and telephone number of an official at each producer of the genetically engineered food whom members of the public may contact for information about the genetically engineered food;

''(5) the name, title, address, and telephone number of an official at each Federal agency with oversight responsibility over the genetically engineered food whom members of the public may contact for information about the genetically engineered food; and

''(6) such other information as the Secretary determines should be included.

''(c) PUBLIC AVAILABILITY.—The registry under subsection (a) shall be made available to the public, including availability on the Internet.''.

SEC. 5. GENETICALLY ENGINEERED ANIMALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 512 the following:

''SEC. 512A. GENETICALLY ENGINEERED ANIMALS.

''(a) IN GENERAL.—Section 512 shall apply to genetic engineering techniques intended to be used to produce an animal, and to genetically engineered animals, as provided in this section.

''(b) APPLICATION.—An application under section 512(b)(1) shall include—

''(1) specification of the species or other taxonomic classification of the animal for which approval is sought;

''(2) an environmental assessment that analyzes the potential effects of the genetically engineered animal on the environment, including the potential effect on any nongenetically engineered animal or other part of the environment as a result of any intentional or unintentional exposure of the genetically engineered animal to the environment; and

''(3) a plan to eliminate or mitigate the potential effects to the environment from the release of the genetically engineered animal.

''(c) DISSEMINATION OF APPLICATION AND OPPORTUNITY FOR PUBLIC COMMENT.—

''(1) IN GENERAL.—On receipt of an application under section 512(b)(1), the Secretary shall—

''(A) provide public notice regarding the application, including making the notice available on the Internet;

''(B) make the application and all supporting material available to the public, including availability on the Internet; and

''(C) provide the public with an opportunity, for not less than 45 days, to submit comments on the application.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The Secretary may withhold information in an application from public dissemination to protect a trade secret if—

''(i) the information is exempt from disclosure under section 522 of title 5, United States Code, or applicable trade secret law;

''(ii) the applicant—

''(I) identifies with specificity the trade secret information in the application; and

''(II) provides the Secretary with a detailed justification for each trade secret claim; and

''(iii) the Secretary—

''(I) determines that the information qualifies as a trade secret subject to withholding from public dissemination; and

''(II) makes the determination available to the public.

''(B) RISK ASSESSMENT INFORMATION.—This paragraph does not apply to information that assesses risks from the release into the environment of a genetically engineered animal (including any environmental assessment or environmental impact statement performed to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)).

''(d) DENIAL OF APPLICATION.—Under section 512(d)(1), the Secretary shall deny an application if—

''(1) the environmental assessment for a genetically engineered animal is not adequate; or

''(2) the plan to eliminate or mitigate the potential environmental effects to the environment from the release of the genetically engineered animal does not adequately protect the environment.

''(e) ENVIRONMENTAL ASSESSMENT.—

''(1) IN GENERAL.—Before determining whether to approve an application under section 512 for approval of a genetic engineering technique intended to be used to produce an animal, or of a genetically engineered animal, the Secretary shall—

''(A) conduct an environmental assessment to evaluate the potential effects of such a genetically engineered animal on the environment; and

''(B) determine that the genetically engineered animal will not have an unreasonable adverse effect on the environment.

''(2) CONSULTATION.—In conducting an environmental assessment under paragraph (1), the Secretary may consult, as appropriate, with the Department of Agriculture, the United States Fish and Wildlife Service, and any other Federal agency that has expertise relating to the animal species that is the subject of the application.

''(f) SAFETY DETERMINATION.—In determining the safety of a genetic engineering technique or genetically engineered animal, the Secretary shall consider the potential effects of the genetically engineered animal on the environment, including the potential effect on nongenetically engineered animals.

''(g) PROGENY.—If an application for approval of a genetic engineering technique to produce an animal of a species or other taxonomic classification, or genetically engineered animal, has been approved, no additional application shall be required for animals of that species or other taxonomic classification produced using that genetic engineering technique or for the progeny of that genetically engineered animal.

''(h) CONDITIONS OF APPROVAL.—The Secretary may require as a condition of approval of an application that any producer of a genetically engineered animal that is the subject of the application—

''(1) take specified actions to eliminate or mitigate any potential harm to the environment that would be caused by a release of the genetically engineered animal, including actions specified in the plan submitted by the applicant; and

''(2) conduct post-approval monitoring for environmental effects of any release of the genetically engineered animal

''(i) RECALL; SUSPENSION OF APPROVAL.—

''(1) RECALL.—The Secretary may order a recall of any genetically engineered animal (whether or not the genetically engineered animal, or a genetic engineering technique used to produce the genetically engineered animal, has been approved) that the Secretary determines is harmful to—

''(A) humans;

''(B) the environment;

''(C) any animal that is subjected to a genetic engineering technique; or

''(D) any animal that is not subjected to a genetic engineering technique.

''(2) SUSPENSION OF APPROVAL.—If the Secretary determines that a genetically engineered animal is harmful to the health of humans or animals or to the environment, the Secretary may—

''(A) immediately suspend the approval of application for the genetically engineered animal;

''(B) give the applicant prompt notice of the action; and

''(C) afford the applicant an opportunity for an expedited hearing.

''(j) RESCISSION OF APPROVAL.—

''(1) RECONSIDERATION.—On the motion of any person, or on the Secretary's own motion, the Secretary may reconsider an approval of a genetic engineering technique or genetically engineered animal on the basis of information that was not available during an earlier review.

''(2) FINDING FOR RECONSIDERATION.—The Secretary shall conduct a reconsideration on the basis of the information described in paragraph (1) if the Secretary finds that the information—

''(A) is scientifically credible;

''(B) represents significant information that was not available before the approval; and

''(C)(i) suggests potential impacts relating to the genetically engineered animal that were not considered before the approval; or

''(ii) demonstrates that the information considered before the approval was inadequate for the Secretary to make a safety finding.

''(3) INFORMATION FROM THE PRODUCER.—In conducting the reconsideration, the Secretary may require the producer to provide information needed to facilitate the reconsideration.

''(4) DETERMINATION.—After reviewing the information by the petitioner and the producer, the Secretary shall issue a determination that—

''(A) revises the finding made in connection with the approval with respect to the safety of the genetically engineered animal; or

''(B) states that, for reasons stated by the Secretary, no revision of the finding is needed.

''(5) ACTION BY THE SECRETARY.—If, based on a review under this subsection, the Secretary determines that the genetically engineered animal is not safe, the Secretary shall—

''(A) rescind the approval of the genetic engineering technique or genetically engineered animal for introduction into interstate commerce;

''(B) recall the genetically engineered animal; or

''(C) take such other action as the Secretary determines to be appropriate.''.

SEC. 6. PROHIBITED ACTS.

(a) UNLAWFUL USE OF TRADE SECRET INFORMATION.—Section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) is amended in the first sentence—

(1) by inserting ''421,'' after ''414,''; and

(2) by inserting ''512A,'' after ''512,''.

(b) ADULTERATED FOOD.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(i) GENETICALLY ENGINEERED ANIMALS.—If it is a genetically engineered animal, or is a genetically engineered animal produced using a genetic engineering technique, that is not approved under sections 512 and 512A.

''(j) GENETICALLY ENGINEERED FOODS.—

''(1) IN GENERAL.—If it is a genetically engineered food, or is a genetically engineered food produced using a genetic engineering technique, that is not approved under section 421.

''(2) SPLIT USE FOODS.—If it is a split use food that does not maintain proper segregation as required under regulations promulgated under section 421.''.

SEC. 7. TRANSITION PROVISION.

(a) IN GENERAL.—A genetic engineering technique, genetically engineered animal, or genetically engineered food that entered interstate commerce before the date of enactment of this Act shall not require approval under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), but shall be considered to have been so approved, if—

(1) the producer, not later than 90 days after the date of enactment of this Act, submits to the Secretary—

(A) a notice stating that the genetic engineering technique, genetically engineered animal, or genetically engineered food entered interstate commerce before the date of enactment of this Act, providing such information as the Secretary may require; and

(B) a request that the Secretary conduct a review of the genetic engineering technique, genetically engineered animal, or genetically engineered food under subsection (b); and

(2) the Secretary does not issue, on or before the date that is 2 years after the date of enactment of this Act, a notice under subsection (b)(2) that an application for approval is required.

(b) REVIEW BY THE SECRETARY.—

(1) IN GENERAL.—Not later than 21 months after the date on which the Secretary receives a notice and request for review under subsection (a), the Secretary shall review all relevant information in the possession of the Secretary, all information provided by the producer, and other relevant public information to determine whether a review of new scientific information is necessary to ensure that the genetic engineering technique, genetically engineered animal, or genetically engineered food is safe.

(2) NOTICE THAT APPLICATION IS REQUIRED.—If the Secretary determines that new scientific information is necessary to determine whether a genetic engineering technique, genetically engineered animal, or genetically engineered food is safe, the Secretary, not later than 2 years after the date of enactment of this Act, shall issue to the producer a notice stating that the producer is required to submit an application for approval of the genetic engineering technique, genetically engineered animal, or genetically engineered food under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) FAILURE TO SUBMIT APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a genetically engineered animal or genetically engineered food with respect to which the Secretary issues a notice that an application is required under subsection (b)(2) shall be considered adulterated under section 402 or 501, as the case may be, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 351) unless—

(A) not later than 45 days after the producer receives the notice, the producer submits an application for approval; and

(B) the Secretary approves the application.

(2) PENDING APPLICATION.—A genetically engineered animal or genetically engineered food with respect to which the producer submits an application for approval shall not be considered to be adulterated during the pendency of the application.

SEC. 8. REPORTS.

(a) IN GENERAL.—Not later than 2 years, 4 years, and 6 years after the date of enactment of this Act, the Secretary and the heads of other Federal agencies, as appropriate, shall jointly submit to Congress a report on genetically engineered animals, genetically engineered foods, and genetic engineering techniques.

(b) CONTENTS.—A report under subsection (a) shall contain—

(1) information on the types and quantities of genetically engineered foods being offered for sale or being developed, domestically and internationally;

(2) a summary (including discussion of new developments and trends) of the legal status and acceptability of genetically engineered foods in major markets, including the European Union and Japan;

(3) information on current and emerging issues of concern relating to genetic engineering techniques, including issues relating to—

(A) the ecological impact of, antibiotic markers for, insect resistance to, nongerminating or terminator seeds for, or cross-species gene transfer for genetically engineered foods;

(B) foods from genetically engineered animals;

(C) nonfood crops (such as cotton) produced using a genetic engineering technique; and

(D) socioeconomic concerns (such as the impact of genetically engineered animals and genetically engineered foods on small farms);

(4) a response to, and information concerning the status of implementation of, the recommendations contained in the reports entitled ''Genetically Modified Pest Protected Plants'', ''Environmental Effects of Transgenic Plants'', and ''Animal Biotechnology Identifying Science-Based Concerns'', issued by the National Academy of Sciences;

(5) an assessment of the need for data relating to genetically engineered animals and genetically engineered foods;

(6) a projection of—

(A) the number of genetically engineered animals, genetically engineered foods, and genetic engineering techniques that will require regulatory review during the 5-year period following the date of the report; and

(B) the adequacy of the resources of the Food and Drug Administration; and

(7) an evaluation of the national capacity to test foods for the presence of genetically engineered ingredients in food.

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. REED):

S. 3096. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with my colleagues Senator FEINSTEIN, Senator SCHUMER, and Senator REED to introduce ''BLAST'', the Ballistics, Law Assistance, and Safety Technology Act.

Never before have the tremendous law enforcement benefits of ballistics testing been so apparent. We have the technology to ''fingerprint'' every new gun, and if we were using it today, we would be well on our way toward stopping the serial killer who even now is preying on the residents of suburban Washington.

Every gun has a unique ''fingerprint'', the distinct patterns left on spent casings and bullets after it is fired. What we need to do is create a comprehensive library of the ballistic images of all new guns sold in the U.S. as they come off the assembly line and a library of the images of all guns used in crimes. With those libraries in place, new technology would allow us to compare those ''gun prints'' with bullets found at crime scenes, bullets like those found from the Washington area sniper's gun.

By keeping a computerized image of each new gun's fingerprint, police can compare the microscopic differences in markings left by each gun until they find a match. Once a match is found, law enforcement can begin tracing that weapon from its original sale to the person who used it to commit the crime.

Police tell of solving multiple crimes simply by comparing bullets and shell casings found at the scene of a crime to a gun seized in a seemingly unrelated incident. Let me explain how ballistics testing works and how our measure is crucial to the fight against crime.

The only evidence at the scene of a recent brutal homicide in Milwaukee was 9 millimeter cartridge casings, there were no other clues. But four months later, when a teenage male was arrested on an unrelated charge, he was found to be in possession of the firearm that had discharged those casings. Ballistics linked the two cases. Prosecutors successfully prosecuted three adult suspects for the homicide and convicted the teen in juvenile court.

On September 9, 2000, several suspects were arrested in Boston for the illegal possession of three handguns. Each of the guns was test fired, and the ballistics information was compared to evidence found at other crime scenes. The police quickly found that the three guns were used in the commission of 15 felonies in Massachusetts and Rhode Island. This routine arrest for illegal possession of firearms provided police with new leads in the investigation of 15 unsolved crimes. Without the ballistics testing, these crimes would not have been linked and might have never been solved.

Since the early 1990's, more than 250 crime labs and law enforcement agencies in more than 40 states have been operating independent ballistics systems maintained by either the ATF or the FBI. Together, ATF's Integrated Ballistics Identification System, ''IBIS'', and the FBI's DRUGFIRE system have been responsible for linking 5,700 guns to two or more crimes where corroborating evidence was otherwise lacking.

While success stories are increasingly frequent, the potential of ballistics testing is still untapped. One way that the Bureau of Alcohol, Tobacco and Firearms is making ballistics testing more accessible to State and local law enforcement is through the installation of a new network of ballistics imaging machines. The final introduction of the machines across the country is almost complete and, once it is, the computers will be able to access each other and search for a greater number of images. The National Integrated Ballistics Information network, better know as ''NIBIN,'' will permit law enforcement in one locality access to information stored in other gun crime databases around the entire country. This will help law enforcement exponentially in their efforts to solve gun crimes.

But ballistics testing is only as useful as the number of images in the database. Today, almost all jurisdictions are limited to images of bullets and cartridge casings that come from guns used in crimes. Our bill would dramatically expand the scope of that database by mandating that all guns manufactured or imported would be test fired before being placed into the stream of commerce. The images collected from the test firing would then be collected and accessible to law enforcement, and law enforcement only, for the purpose of investigating and prosecuting gun crimes.

As local, State and Federal law enforcement authorities search for the deranged murderer who has been terrorizing the Washington D.C. metropolitan area, they are using ballistics testing to determine whether the bullets and shell casings found at the scene of each crime are from the same gun. They can then identify the gun, giving them a better idea of what, and who, they are looking for in their manhunt. Had the gun used in these crimes been subject to a test fire before being placed in the stream of commerce, authorities would be able to identify the gun based on the bullets and casings. With that information, law enforcement could then trace the sale and transfer of the firearm in an effort to identify the owner of the gun and solve the crime.

Today, police can find out more about a human being than they can about a gun used in a crime. Law enforcement can use DNA testing, take fingerprints and blood samples, search a person's health records, peruse bank records and credit card statements, obtain phone records and get a list of book purchases to link a suspect to a crime. Yet, the bullets found at the scene of a crime often cannot be traced back to the gun used because our ballistics images database is not comprehensive. We are unnecessarily limiting law enforcement's ability to track the criminals who have used guns in the commission of a crime. The BLAST bill will change all that. by making gun crimes easier to solve, all of us will be safer.

The burden on manufacturers is minimal, we authorize funds to underwrite the cost of testing, and the assistance to law enforcement is considerable. And don't take my word for it, ask the gun manufacturers and the police. Listen to what Paul Januzzo, the vice-president of the gun manufacturer Glock, said in reference to ballistics testing, ''our mantra has been that the issue is crime control, not gun control . . . it would be two-faced of us not to want this.'' In their agreement with the Department of Housing and Urban Development, Smith & Wesson agreed to perform ballistics testing on all new handguns. And Ben Wilson, the chief of the firearms section at ATF, emphasized the importance of ballistics testing as a investigative device, ''This [ballistics] allows you literally to find a needle in a haystack.''

To be sure, we are sensitive to the notion that law abiding hunters and sportsmen need to be protected from any misuse of the ballistics database by government. The BLAST bill explicitly prohibits ballistics information from being used for any purpose unless it is necessary for the investigation of a gun crime.

The BLAST bill will enhance a revolutionary new technology that helps solve crime. BLAST is a worthwhile piece of crime control legislation. I hope that the Senate will quickly move to pass it.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 3096

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 ''Ballistics, Law Assistance, and Safety Technology Act'' or the ''BLAST Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase public safety by assisting law enforcement in solving more gun-related crimes and offering prosecutors evidence to link felons to gun crimes through ballistics technology;

(2) to provide for ballistics testing of all new firearms for sale to assist in the identification of firearms used in crimes;

(3) to require ballistics testing of all firearms in custody of Federal agencies to assist in the identification of firearms used in crimes; and

(4) to add ballistics testing to existing firearms enforcement programs.

SEC. 3. DEFINITION OF BALLISTICS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(35) BALLISTICS.—The term 'ballistics' means a comparative analysis of fired bullets and cartridge casings to identify the firearm from which bullets and cartridge casings were discharged, through identification of the unique characteristics that each firearm imprints on bullets and cartridge casings.''.

SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BALLISTICS RECORDS.

(a) AMENDMENT.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m)(1) In addition to the other licensing requirements under this section, a licensed manufacturer or licensed importer shall—

''(A) test fire firearms manufactured or imported by such licensees as specified by the Secretary by regulation;

''(B) prepare ballistics images of the fired bullet and cartridge casings from the test fire;

''(C) make the records available to the Secretary for entry in a computerized database; and

''(D) store the fired bullet and cartridge casings in such a manner and for such a period as specified by the Secretary by regulation.

''(2) Nothing in this subsection creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section.

''(3)(A) The Attorney General and the Secretary shall assist firearm manufacturers and importers in complying with paragraph (1) through—

''(i) the acquisition, disposition, and upgrades of ballistics equipment and bullet and cartridge casing recovery equipment to be placed at or near the sites of licensed manufacturers and importers;

''(ii) the hiring or designation of personnel necessary to develop and maintain a database of ballistics images of fired bullets and cartridge casings, research and evaluation;

''(iii) providing education about the role of ballistics as part of a comprehensive firearm crime reduction strategy;

''(iv) providing for the coordination among Federal, State, and local law enforcement and regulatory agencies and the firearm industry to curb firearm-related crime and illegal firearm trafficking; and

''(v) any other steps necessary to make ballistics testing effective.

''(B) The Attorney General and the Secretary shall—

''(i) establish a computer system through which State and local law enforcement agencies can promptly access ballistics records stored under this subsection, as soon as such a capability is available; and

''(ii) encourage training for all ballistics examiners.

''(4) Not later than 1 year after the date of enactment of this subsection and annually

thereafter, the Attorney General and the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the impact of this section, including—

''(A) the number of Federal and State criminal investigations, arrests, indictments, and prosecutions of all cases in which access to ballistics records provided under this section served as a valuable investigative tool in the prosecution of gun crimes;

''(B) the extent to which ballistics records are accessible across jurisdictions; and

''(C) a statistical evaluation of the test programs conducted pursuant to section 6 of the Ballistics, Law Assistance, and State Technology Act.

''(5) There is authorized to be appropriated to the Department of Justice and the Department of the Treasury for each of fiscal years 2001 through 2004, $20,000,000 to carry out this subsection, including—

''(A) installation of ballistics equipment and bullet and cartridge casing recovery equipment;

''(B) establishment of sites for ballistics testing;

''(C) salaries and expenses of necessary personnel; and

''(D) research and evaluation.

''(6) The Secretary and the Attorney General shall conduct mandatory ballistics testing of all firearms obtained or in the possession of their respective agencies.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendment made by subsection (a) shall take effect on the date on which the Attorney General and the Secretary of the Treasury, in consultation with the Board of the National Integrated Ballistics Information Network, certify that the ballistics systems used by the Department of Justice and the Department of the Treasury are sufficiently interoperable to make mandatory ballistics testing of new firearms possible.

(2) BALLISTICS TESTING.—Section 923(m)(1) of title 18, United States Code, as added by subsection (a), shall take effect 5 years after the date of enactment of this Act.

(3) EFFECTIVE ON DATE OF ENACTMENT.—Section 923(m)(6) of title 18, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 5. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.

Ballistics information of individual guns in any form or database established by this Act may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

Mr. REED. Mr. President, I rise today to join my colleague Senator KOHL in introducing the Ballistics, Law Assistance, and Safety Technology Act. This legislation would build on the success of the existing National Integrated Ballistic Information Network by requiring, for the first time, ballistics testing of all new firearms so that law enforcement can more effectively trace bullets or cartridge casings recovered from shootings.

As we have learned from the horrific series of sniper shootings in the Washington, D.C. metropolitan area over the past week, law enforcement already has the technology to link bullets or casings found at separate crime scenes back to a single gun. Every firearm has individual characteristics that are as unique to it as fingerprints are to human beings. When a gun is fired, it transfers these characteristics, in the form of small, sometimes microscopic scratches and dents, to the projectiles and cartridge casings fired in it.

These unique fingerprints offer a great crime-solving tool for law enforcement. When bullets or cartridge casings are found at a crime scene, firearms examiners can use the marks for comparison, to determine whether or not the bullets or casings were expelled from a suspect's firearm. If a firearm is recovered at the scene, a test fire of the weapon creates example bullets and cartridge casings for comparison to those found in or near a victim. Bullets and casings found at one crime scene can also be compared with those found at another in order to link the crimes.

On the national level, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms recently combined their ballistics identification programs into the National Integrated Ballistic Information Network, or NIBIN, which provides for the installation and networking of automated ballistic imaging equipment in state and local law enforcement agencies across the country. Because thousands more pieces of recovered ballistic evidence can be compared using digital automation than would be possible using only manual comparisons, links between otherwise seemingly unrelated crimes are discovered, and investigative leads are generated for police followup.

Ballistics imaging technology is already demonstrating its potential to revolutionize criminal investigation. But a major tool for law enforcement is missing here, and that is a national ballistics fingerprint system that would enable law enforcement to trace crime scene evidence back to a suspect. The current NIBIN system provides valuable information on guns that have been used in crime, but unless such a gun was used in a previous crime for which ballistics evidence was collected and entered, the bullets or casings from the crime scene will find no match in the NIBIN system. No ballistics data are available for most of the estimated 200 million guns in this country, and no ballistics fingerprint information is being collected on the three to five million new guns coming into commerce in the United States each year. As a result, law enforcement usually has no way to trace the evidence back to a specific firearm and, ultimately, a suspect.

The bill we are introducing today would give law enforcement the tools it needs to fight violent crime by requiring gun manufacturers and importers to test fire all new firearms, prepare ballistics images of the fired bullet and cartridge casings, and make these records available to the Bureau of Alcohol, Tobacco and Firearms for entry in a computerized database which would be shared with state and local law enforcement agencies across the country. The bill also provides $20 million per year for ATF to help gun manufacturers and importers comply with these requirements by installing or upgrading ballistics equipment at or near the places of business of manufacturers and importers.

I have no doubt that the National Rifle Association and some in the gun industry are going to say that what we are proposing is tantamount to establishing a national registry of gun owners. I want to point out that this bill does not require the submission to law enforcement of any information beyond the ballistic images produced by test firing the gun. The names of any people or businesses that buy guns from federally licensed manufacturers or importers will continue to be kept in the files of those manufacturers and importers just as the law requires today. Law enforcement would only have access to this information in the context of a criminal investigation, for example when the evidence from a crime scene matches a ballistics fingerprint record for a gun produced and sold by a certain manufacturer or importer.

We should have taken these steps years ago. If we had, maybe the ballistic evidence from this week's sniper shootings would match an image in the law enforcement database, and we could save lives by identifying and arresting this cold-blooded killer before he strikes again. But the gun lobby has prevented the creation of an effective ballistics database by portraying this as a national gun registry. In fact, they have been so successful that even though two States, Maryland and New York, have created a ballistics fingerprint system for all guns sold in those States, the ATF's NIBIN system is not even allowed to access those records, nor can law enforcement agencies in other States look at the records through the NIBIN network. We will never know how many violent crimes may go unsolved because of this insane restriction on law enforcement's ability to do its job.

We have a responsibility to give law enforcement authorities the tools they need to quickly track down and bring to justice those who would use firearms to prey on our communities. The bill we are introducing today will do that by taking full advantage of the crime-fighting benefits that ballistic imaging and analysis can provide. I urge all of my colleagues to support this important legislation.

By Mr. BAUCUS (for himself and Mr. CRAPO):

S. 3097. A bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable credit for holders of qualified highway bonds; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the MEGA INNOVATE ACT. Maximum Economic Growth for America through Innovative Financing.

MEGA Innovate is part of a series of bi-partisan bills that Senator CRAPO

and I have introduced that serve as our proposals for TEA 21 Reauthorization.

I was privileged to have been an author of TEA 21, and I look forward to working with my fellow Finance Committee members, EPW Committee members, as well as members on other Committees, as we craft the next highway bill under the leadership of Senator JEFFORDS.

The Finance Committee has held hearings that examined how to provide funding for our highway system. We heard about projections for Trust Fund income over the next 10 years.

As successful as standard financing has been, our transportation needs far outweigh our resources.

The MEAGA INNOVATE ACT is about increasing financing to the Highway Trust Fund without raising taxes. I am looking at additional means of financing to supplement the Highway Trust Fund in order to meet our Nation's transportation needs.

In recent years there has been increased recognition, throughout the country, of the important contribution that a strong highway program makes to our nation's economic prosperity and quality of life.

In Montana it is our economy's ''golden egg'' so to speak.

As we prepare to reauthorize the highway program next year, a fundamental question for the Congress is how to increase the level of investment, for the benefit of all citizens and all States.

Earlier this year Senator CRAPO and I introduced bi-partisan legislation with 12 co-sponsors, S. 2678—the MEGA TRUST Act, Maximum Economic Growth for America through the Highway Trust Fund. This bill laid out some ways to increase investment in the highway program without raising taxes.

That legislation would allow the Highway Trust Fund to be properly credited with taxes either paid or foregone with respect to gasohol consumption.

It would also reinstate the principle that the highway and mass transit accounts of the Highway Trust Fund should be credited with interest on their respective balances.

Those are important reforms that I believe we must enact as soon as possible. But we must continue to work to find additional ways to enable a stronger level of highway investment, because that investment is so important and beneficial to the country.

Today I am introducing the MEGA INNOVATE Act—Maximum Economic Growth for America Through Innovative Financing.

Under this legislation the Secretary of the Treasury would sell Tax Credit Bonds with the proceeds being placed in the Highway Account of the Highway Trust Fund. The Treasury would be responsible for the principal and interest.

The bond proceeds will enable the basic highway program to grow and would help the citizens of every state.

Administration of this initiative will be simple. No new structures are required. This is a new idea that does not raise taxes, but would advance our national interest in a strong highway program.

As this is a new idea for highways, the bill introduces this concept at a very modest level, in the range of $3 billion annually in bond sales.

However, when combined with the provisions of the MEGA TRUST Act, and the continuation of current sources of revenue, this legislation should enable the highway program to achieve an obligation level of approximately $41 to 42 billion by fiscal year 2009.

Many other officials and organizations have shown interest in both MEGA TRUST and MEGA INNOVATE, such as the State DOTs of Montana, Idaho, North and South Dakota and Wyoming. Highway Advocate groups, such as the Highway Users Alliance have also shown support for both bills.

I very much appreciate the support of these groups, as well as the support of others for these two important initiatives.

A well-funded highway program is certainly essential to the economic future of my State of Montana and to other States.

So, I look forward to working with my colleagues on the MEGA INNOVATE ACT, on the MEGA TRUST ACT, and all my other MEGA bills. I also look forward to looking at other ways to help our citizens benefit from increased levels of highway investment.

By Mr. GRAHAM (for himself and Mr. GRAMM):

S. 3098. A bill to amend title XVIII of the Social Security Act to establish a program for the competitive acquisition of items and services under the medicare program; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I rise today with my friend and colleague from Texas, Mr. Gramm, to introduce the Medicare Competition Acquisition Act of 2002.

Today, we are faced with the reality that the Medicare program must be reformed for the 21st Century. In the 37 years since Medicare was created, several medical advances have been achieved. It is time to reap the full benefits of those advances and shift the focus of the Medicare program to one that promotes wellness. For that, a prescription drug benefit is mandatory. It is the single most important reform we can make to Medicare.

However, the absence of a prescription drug benefit for America's seniors is not the only archaic aspect of the Medicare program. Congress has required Medicare to use an arbitrary method of payment for certain items and services, which costs the program and its beneficiaries much more than it should.

We think America's seniors deserve better. They deserve to pay fair market price for high-quality medical products instead of being subject to an outdated fee schedule that often reflects unreasonably high markups above actual cost.

The Medicare Competitive Acquisition Act applies high-quality standards and fiscal discipline to the Medicare program. Under this bill, Medicare will be able to use the same competitive tools the private sector has in place to control costs, while maintaining beneficiary access to quality medical supplies and services. This proposal was included in President Bush's fiscal year 2003 budget, and the Clinton Administration long advocated this fiscally responsible, high quality approach to improve Medicare.

Several studies by the United States General Accounting Office (GAO) and the Department of Health and Human Services, HHS, Inspector General indicate that the Medicare program and Medicare beneficiaries have been paying far too much for some medical equipment and supplies. Take pre-fabricated orthotics, for example. The most recent GAO data available indicates that the Medicare allowance for a pre-fabricated, self-adjusting hand/wrist brace is more than 140% higher than its average retail price. For an intermittent urinary catheter, the difference between the Medicare allowance and the average retail price is 93 percent.

The Congressional Budget Office estimates that our bill will save Medicare $1.8 billion over 5 years and $6.9 billion over 10 years. This means savings for beneficiaries of $450 million over 5 years and $1.72 billion over 10 years.

I was pleased that the Balanced Budget Act of 1997 included a modified version of my competitive bidding proposal. It gave HHS the authority to conduct competitive bidding demonstrations for Medicare Part B items and services other than physician services. The Medicare Competitive Acquisition Act builds upon successful demonstration projects in Polk County, Florida and San Antonio, Texas by allowing the HHS Secretary to establish a competitive bidding system for durable medical equipment and supplies in appropriate parts of the country.

I want to thank my colleague from the great State of Georgia, Mr. Cleland, for his leadership on this issue. The Senator not only helped us develop significant beneficiary protections, he worked to ensure flexibility for rural areas. Senator Cleland was also instrumental in our request for a GAO study on the introduction of new and innovative medical equipment and supplies to the Medicare market.

The Medicare Competitive Acquisition Act allows the Centers for Medicare and Medicaid Services, CMS, to award contracts to multiple suppliers in each region in order to enhance beneficiary freedom of choice and promote quality among competitors. The number of suppliers selected will be based on product demand, the number of suppliers selected will be based on product

demand, the number of suppliers who bid and the service capacity of bidding suppliers. This ensures that the number of suppliers selected will be more than sufficient to supply a given area and that beneficiaries will have access to the products and services they need. CMS will have the authority to replace any winning supplier whose product or service quality deteriorates after the contract is awarded.

Small businesses are vital to the success of competitive bidding. In both rounds of the Polk County demonstration, small businesses received 12 of the 16 willing contracts. In the San Antonio demonstration, they received 40 of the 51 winning contracts.

To ensure a level playing field in the future, we continue small business protections implemented under the demonstration by CMS. For example, we give suppliers the option to bid for a portion of an expansion area as opposed to having to bid for an entire expansion area. We also allow suppliers to bid for only one or a few product categories in a competitive acquisition area as opposed to having to bid for all of the product categories in a particular area.

The introduction of competitive bidding into the Medicare program will not only ensure beneficiary access to high-quality medical equipment and supplies, it will also reduce fraud and abuse. Suppliers who are under sanctions for fraud and abuse will be ineligible to participate in the bidding process. On-site reviews will be conducted prior to awarding contracts, ensuring that the suppliers are valid and operating businesses.

Contrary to what the nay-sayers will tell you, competitive bidding for durable medical equipment and suppliers has nothing to do with cutting services to beneficiaries or lowering quality standards. It has everything to do with improving access to high-quality medical equipment for America's seniors in a cost-effective manner.

As we search for ways to secure Medicare for the long term, we must take prudent steps to improve the efficiency of the program. Implementation of competitive bidding for certain Part B items and services is one way in which Congress can show that we are serious about preserving the integrity of Medicare.

I urge the Senate to support this measure.

By Mrs. FEINSTEIN:

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. BAUCUS. Mr. President, I rise to strongly speak in favor of the legislation introduced today by Senators FEINSTEIN and GREGG titled ''The Social Security Number Misuse Prevention Act of 2002,'' indeed, I am an original cosponsor of this legislation. If enacted, this bill will reduce the misuse of individuals' Social Security numbers, SSNs, by others.

As you well know, the Social Security number is increasingly being used for purposes not related to the administration of the Social Security program, because it is, in many cases, our national identification number. As a result, many people can gain access to the number, and this facilitates its use as a tool for illegal activity, most significantly for the crime of identity theft. In a report issued by the Social Security Administration's Office of the Inspector General, OIG, in May 1999, investigators concluded that most identity-related crimes involved the fraudulent use of a Social Security number. Additionally, the introduction of the SSN into the arena of electronic commerce has been accompanied by a dramatic increase in SSN misuse.

Given the upward trend in SSN misuse, I feel that the Congress must take a fresh look at options for safeguarding Social Security numbers. I believe that the bill introduced by Senators FEINSTEIN, GREGG and myself today is an important development in that effort. However, I want to make it clear that this bill will not eliminate all misuse of Social Security numbers. There are many legitimate and necessary uses of Social Security numbers and this bill does not prohibit such uses. Unfortunately, the absence of such prohibitions makes it easier for those who seek to misuse Social Security numbers.

The legislation being introduced today is very similar to a bill, S. 848, that was introduced by Senators FEINSTEIN and GREGG during the first session of the 107th Congress. Although S. 848 was referred to the Judiciary Committee, the bill deals extensively with sections of the US Code concerning Social Security numbers, legislative changes to these sections are in the jurisdiction of the Finance Committee. Therefore, Senator GRASSLEY and I expressed our concern that S. 848 should have been referred to the Finance Committee and we initiated a successful unanimous consent request, with the support of Senators LEAHY, HATCH, FEINSTEIN, and GREGG, to sequentially refer the bill to the Finance Committee. The Judiciary Committee favorably reported the bill on May 16th of this year and it was immediately referred to the Finance Committee.

We at the Finance Committee examined the problems which this legislation tries to address and found potential solutions to these problems to be very complex. In addition, as the legislation could potentially affect all of the uses and availabilities of SSNs many interested parties contacted the Finance Committee to express their views.

Given the complexity of the issues and the large number of stakeholders involved, the Finance Committee decided to schedule a subcommittee hearing in advance of a mark-up in order to better inform Committee members and their staffs about these issues. Special attention was focused on the core set of solutions embodied in the bill reported by the Judiciary Committee. After a long series of discussions, we reached agreement with Senator FEINSTEIN on legislation which makes a number of changes to the reported version of S. 848. We then scheduled a mark-up of this substitute for S. 848, but were unable to proceed with the mark-up because some members of the Committee planned to offer amendments that were extraneous and controversial. As a result, in order to move this legislation forward expeditiously, I asked Senators FEINSTEIN and GREGG to introduce the substitute for S. 848 as new legislation with me as an original cosponsor. Moreover, I intend to use procedures in Rule XIV of the Senate to have it placed on the calendar, rather than have it referred to Committee. Once on the calendar, the bill is eligible to be brought up for debate on the Senate floor.

As reported by the Judiciary Committee, S. 848 would: Prohibit the sale, purchase, or display of a Social Security number to the general public without the individual's consent, with exceptions for legitimate business and government activity; prohibit the release of certain key public records to the general public unless Social Security numbers are first redacted, this provision applies only to records created after the bill is enacted; require Social Security numbers to be removed from government checks, drivers' licenses, and motor vehicle registrations; prohibit the employment of prisoners in any capacity that would give them access to Social Security numbers; make it a crime to obtain an SSN for the purpose of locating or identifying a person with the intent to physically harm that person; give consumers the right to refuse to give out their Social Security numbers when purchasing a good or service from a commercial entity, unless the entity has a legitimate need as specified in the law; and create new civil monetary penalties, criminal penalties, and civil actions to help prevent misuse of Social Security numbers; requires all new credit card payment processing machines to truncate the credit card account numbers to the last five digits on the printed receipt.

The substitute for S. 848 that is being introduced today retains the basic structure and objectives of the Judiciary Committee-reported bill, but makes several substantive changes that improve the bill. The substitute bill: makes clear that it is permissible to sell, purchase or display Social Security numbers for any legitimate use required, authorized or excepted by any Federal law. Stops new public records containing Social Security numbers from being posted on the Internet and calls for a study by the General Accounting Office of issues pertaining to the display of Social Security numbers on any public records. Permits State Attorneys General to enforce the new ''right to refuse'' to provide a Social Security number, but prohibits class action lawsuits to enforce this new ''right.'' Sunsets the ''right to refuse'' after six years, and calls for a report by the Attorney General, six months after the sunset regarding the effectiveness of this ''right to refuse'' and whether it should be reauthorized.

To conclude, I think that the introduction of this revised version of S. 848 and the placement of it on the calendar are two very important steps in our fight to reduce the misuse of Social Security numbers and reduce the theft of

identities. I look forward to working with my colleagues to enact this important piece of legislation.

By Mr. LEAHY (for himself, Mr. HATCH and Mr. BIDEN):

S. 3101. A bill to amend title IV of the Missing Children's Assistance Act to provide for increased funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the Missing Children's Assistance Act of 2002, which doubles the funding for the National Center for Missing and Exploited Children and reauthorizes the Center through fiscal year 2006. I am pleased to have Senators HATCH and BIDEN as cosponsors.

Due to tragic circumstances, the importance of the National Center for Missing and Exploited Children, ''NCMEC'', has become even more pronounced over the past year. We have seen repeated media coverage of missing children from every corner of our nation, and parents and children alike have slept less easily. As a father and grandfather, I know that an abducted child is every parent's or grandparent's worst nightmare.

The Justice Department estimates that between 3,000 and 4,000 children are taken by strangers every year. This legislation will strengthen our efforts to return those children to their homes, and relieve their parents of unimaginable grief.

The Center for Missing and Exploited Children assists parents, children, law enforcement, schools, and the community in their efforts to recover missing children. The professionals at NCMEC have disturbingly busy jobs, they have worked on more than 73,000 cases of missing and exploited children since NCMEC's founding in 1984, helping to recover more than 48,000 of them. They also raise awareness about preventing child abduction, molestation, and sexual exploitation.

As part of its mission, NCMEC runs: 1. a 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, 2. a national child pornography tipline, and 3. a program that assists families in the reunification process. NCMEC also helps runaway children, including through attempts to reduce child prostitution.

NCMEC manages to do all of this good work with only a $10 million authorization, which expires after fiscal year 2003. We should act now both to extend its authorization and provide additional funds so that it can continue to help keep children safe and families intact around the nation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3102. 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 Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. JEFFORDS, and Mrs. MURRAY):

S. 3103. 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 wireless services facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, I rise today to offer two pieces of legislation that would close a loophole that allows Federal regulators to overrule local officials on the building of cellular and broadcast towers. I am proud to be joined by Senator JEFFORDS, and Senator MURRAY in introducing legislation that will return decision-making power on the siting of towers to local communities.

The 1996 Telecommunications Act, which I opposed, contained a provision that allowed the Federal Communications Commission to preempt the decisions of local authorities. Over the last five years, a small loophole in the 1996 Act has spurred David versus Goliath battles across the country. Small communities that pride themselves in deciding what their towns will look like, now have few options when they try to stop or even negotiate a different site for broadcast or cellular towers. In Vermont, we have had several communities, Shelburne, Bethel, and Charlotte, run directly into this problem. What used to be their right to decide these decisions under zoning laws was up-ended.

These communities understand that there will be new towers. Demand for wireless services has skyrocketed over the last few years. The mountains and hills of Vermont make many Vermonters joke that cell phones are more useful as paper weights than as a way to talk with friends and family. However, Vermonters and people across the country do not believe that we have to sacrifice our scenic views and residential areas to ensure wireless coverage.

As a Vermonter, I do not want to wake up ten years from now and see my State turned into a pincushion of antennas and towers. That is why I am introducing these bills today. In a way, these bills are the culmination of a long battle with the Federal Communications Commission and in the courts to protect local authority.

In 1997, the Federal Communications Commission seized on the legislative loophole and proposed an expansive new rule to prevent State and local zoning laws from regulating the placement of cell and broadcast towers on the basis of environmental considerations, aviation safety, or other locally-determined matters. I fought this proposed rule and was joined by many Vermonters, Governor Dean, the Vermont Environmental Board, mayors, zoning officials and others. I also joined with many Vermonters and the rest of the Vermont Congressional Delegation to file an amicus brief in the Supreme Court, arguing that the preemption of local power to issue building permits was a clear violation of the 10th Amendment.

Unfortunately, that petition failed and now I am introducing legislation to fix a problem Congress created. The preemption of local authority should never have happened. Health, safety, and local land use issues should be left in the hands of those who know these issues best and can find a way to balance the needs of their community—the local zoning authorities.

In Vermont, we actually have a very well-tested and successful way of finding a balance between protecting the environment, the health and safety of Vermonters, and meeting economic demands. It's called Act 250. It was adopted over three decades ago when Vermonters realized that our cherished hillsides and New England towns could be overrun with homes. Now, the same realization has occurred with cell and broadcast towers.

My bill will not prohibit new towers. It will simply let local officials use their state and local protections, like Act 250, find the best solution for their community.

I think that many of my colleagues would agree that it is not too much to ask that telecommunication companies follow the zoning laws that apply to everyone else.

In fact, we already have ways to meet the needs of telecommunication companies and communities. There are other viable alterative communication technologies to massive towers. I have in the past discussed how PCS-Over-Cable and PCS-Over-Fiber technologies can provide digital cellular service using small antennas, eliminating the need for large towers. These small antennas can be attached to an existing telephone pole or lamp post. Not only is this technology more aesthetically pleasing, but because the companies do not need to buy land for these antennas, these delivery mechanisms are cheaper as well. We should allow local government to require the usage of these less intrusive technologies,

This is ultimately a very simple issue. It's an issue of local control. I believe that it is local authorities, not Federal regulators, who should determine when and where these structures are built. I urge my fellow Senators to join me in supporting this legislation. I ask unanimous consent that the text of these bills and two section-by-section analyses be printed in the RECORD.

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

S. 3102

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 ''Local Control of Broadcast Towers Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement, construction, and modification of broadcast transmission facilities near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of broadcast transmission facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite and cable. The Commission ensures compliance of such activities with applicable Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) The Commission defers to State and local authorities which regulate the placement, construction, and modification of broadcast transmission facilities through the use of zoning, construction and building, and environmental and safety regulations in order to protect the environment and the health, safety, and general welfare of communities and the public.

(5) On August 19, 1997, the Commission issued a proposed rule, MM Docket No. 97–182, which would preempt the application of most State and local zoning, environmental, construction and building, and other regulations affecting the placement, construction, and modification of broadcast transmission facilities.

(6) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSE.—The purpose of this Act is to confirm that State and local governments are the appropriate entities—

(1) to regulate the placement, construction, and modification of broadcast transmission facilities consistent with State and local zoning, construction and building, environmental, and land use regulations;

(2) to regulate the placement, construction, and modification of broadcast transmission facilities so that their placement, construction, or modification will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the health, safety, and general welfare of the public; and

(3) to hold accountable applicants for permits for the placement, construction, or modification of broadcast transmission facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for such permits, licenses, or approvals.

SEC. 3. PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.

Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities'', MM Docket No. 97–182, released August 19, 1997.

SEC. 4. AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 340. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION FACILITIES.

''(a) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(1) IN GENERAL.—A State or local government may deny an application to place, construct, or modify broadcast transmission facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering broadcast signals comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(2) CONSIDERATIONS.—In determining under paragraph (1) the intrusiveness of technologies, delivery systems, or structures for the transmission of broadcast signals, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(3) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority in paragraph (1), the burden shall be on the applicant.

''(b) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of broadcast transmission facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(c) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act may be interpreted to prohibit a State or local government from—

''(1) requiring a person seeking authority to place, construct, or modify broadcast transmission facilities to produce—

''(A) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(2) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under paragraph (1).

''(d) CONSTRUCTION.—Nothing in this section may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify broadcast transmission facilities within the jurisdiction of the State or local government.

''(e) BROADCAST TRANSMISSION FACILITY DEFINED.—In this section, the term 'broadcast transmission facility' means the equipment, or any portion thereof, with which a broadcaster transmits and receives the radiofrequency waves that carry the services of the broadcaster, regardless of whether the equipment is sited on one or more towers or other structures owned by a person or entity other than the broadcaster, and includes the location of such equipment.''.

SECTION-BY-SECTION SUMMARY OF LOCAL CONTROL OF BROADCAST TOWERS ACT

Sec. 1. Short Title.

The subtitle may be cited as the ''Local Control of Broadcast Towers Act.''

Sec. 2. Findings and Purposes.

The bill finds that as the placement of broadcast towers or other broadcast structures (heretofore referred to as ''broadcast transmission facilities'') can reduce property values, create radio frequency interference, and raise potential long-term health concerns. It also finds that state and local authorities should have the same control to regulate the placement of broadcast transmission facilities as they would with any other type of construction. The purpose of the bill is to reinstate the right of state and local governments to regulate the placement, construction, and modification of these facilities.

Sec. 3. Prohibition on Adoption of Rule Regarding Preemption of State and Local Authority Over Broadcast Transmission Facilities.

Section 3 prohibits the Federal Communications Commission (FCC) from implementing ''Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities.'' This rule prevents state and local governments from regulating the construction or modification of broadcast transmission facilities.

Sec. 4. Authority Over Placement, Construction, and Modification of Broadcast Transmission Facilities.

Section 4 adds a new section to Part I of title III. It gives state and local governments the power to deny applications to place, construct, or modify broadcast transmission facilities on the basis that less intrusive technologies are available to provide comparable service. Denials can be issued for reasons of aesthetics, environmental impact, radio frequency interference, or radiation emissions. Burden of proof lies with the applicant.

Section 4(b) also stipulates that state and local governments are empowered to regulate the location, height, or modification of broadcast transmission facilities to reduce the effects of radio interference. State and local governments may also require environmental, biological, and health studies, engineering studies, or other comparable documentation from any person seeking to build or modify a broadcast transmission facility. In addition, state and local governments may require documentation of compliance with any applicable Federal, State, or local regulation regarding aviation safety standards. Failure to provide such documentation or studies is grounds for a denial to construct or modify a facility.

Section 4(e) defines broadcast transmission facilities.

S. 3103

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 ''Local Control of Cellular Towers Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The placement, construction, and modification of personal wireless services facilities (also known as wireless facilities) near residential communities and facilities such as schools can greatly reduce the value of residential properties, destroy the views from properties, produce radio frequency interference, raise concerns about potential long-term health effects of such facilities, and reduce substantially the desire to live in the areas of such facilities.

(2) States and local governments have traditionally regulated development and should be able to exercise control over the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations relating to the protection of the environment, public health and safety, and the general welfare of the community and the public.

(3) The Federal Communications Commission establishes policies to govern interstate and international communications by television, radio, wire, satellite and cable. The Commission ensures the compliance of such activities with a variety of Federal laws, including the National Environmental Policy Act of 1969 and the National Historic Preservation Act, in its decision-making on such activities.

(4) Under section 332(c)(7)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(A)), the Commission defers to State and local authorities that regulate the placement, construction, and modification of wireless facilities through the use of zoning and other land use regulations.

(5) Alternative technologies for the placement, construction, and modification of wireless facilities may meet the needs of a wireless services provider in a less intrusive manner than the technologies proposed by the wireless services provider, including the use of small towers that do not require blinking aircraft safety lights, break skylines, or protrude above tree canopies.

(6) It is in the interest of the Nation that the requirements of the Commission with respect to the application of State and local ordinances to the placement, construction and modification of wireless facilities (for example WT Docket No. 97–192, ET Docket No. 93–62, RM–8577, and FCC 97–303, 62 F.R. 47960) be modified so as—

(A) to permit State and local governments to exercise their zoning and other land use authorities to regulate the placement, construction, and modification of such facilities; and

(B) to place the burden of proof in civil actions, and in actions before the Commission and State and local authorities relating to the placement, construction, and modification of such facilities, on the person that seeks to place, construct, or modify such facilities.

(7) PCS-Over-Cable, PCS-Over-Fiber Optic, and satellite telecommunications systems, including Low-Earth Orbit satellites, offer a significant opportunity to provide so-called ''911'' emergency telephone service throughout much of the United States without unduly intruding into or effecting the environment, public health and safety, and the general welfare of the community and the public.

(8) The Federal Aviation Administration must rely upon State and local governments to regulate the placement, construction, and modification of telecommunications facilities near airports or high-volume air traffic areas such as corridors of airspace or commonly used flyways. The proposed rules of the Commission to preempt State and local zoning and other land-use regulations for the siting of such facilities will have a serious negative impact on aviation safety, airport capacity and investment, the efficient use of navigable airspace, public health and safety, and the general welfare of the community and the public.

(9) The telecommunications industry and its experts should be expected to have access to the best and most recent technical information and should therefore be held to the highest standards in terms of their representations, assertions, and promises to governmental authorities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To repeal certain limitations on State and local authority regarding the placement, construction, and modification of personal wireless services facilities under section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)).

(2) To permit State and local governments—

(A) to regulate the placement, construction, or modification of personal wireless services facilities with respect to their impacts on land use, including radio frequency interference and radio frequency radiation, in order to protect the environment, public health and safety, and the general welfare of the community and the public;

(B) to regulate the placement, construction, and modification of personal wireless services facilities so that they will not interfere with the safe and efficient use of public airspace or otherwise compromise or endanger the public health and safety and the general welfare of the community and the public; and

(C) to hold accountable applicants for permits for the placement, construction, or modification of personal wireless services facilities, and providers of services using such facilities, for the truthfulness and accuracy of representations and statements placed in the record of hearings for permits, licenses, or approvals for such facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES

(a) LIMITATIONS ON STATE AND LOCAL REGULATION OF FACILITIES.—Subparagraph (B) of section 332(c)(7) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)) is amended—

(1) by striking clause (iv);

(2) by redesignating clause (v) as clause (iv); and

(3) in clause (iv), as so redesignated—

(A) in the first sentence, by striking ''may, within 30 days'' and all that follows through the end of the sentence and inserting ''may commence an action in any court of competent jurisdiction. Such action shall be commenced within 30 days after such action or failure to act unless the State concerned has established a different period for the commencement of such action.''; and

(B) by striking the third sentence and inserting the following: ''In any such action in which a person seeking to place, construct, or modify a personal wireless services facility is a party, such person shall bear the burden of proof, regardless of who commences such action.''.

(b) PROHIBITION ON ADOPTION OF RULE REGARDING RELIEF FROM STATE AND LOCAL REGULATION OF FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission shall not adopt as a final rule or otherwise directly or indirectly implement any portion of the proposed rule set forth in ''Procedures for Reviewing Requests for Relief From State and Local Regulation Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934'', WT Docket No. 97-192, released August 25, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF FACILITIES.—Such section 332(c)(7) is further amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) ADDITIONAL LIMITATIONS.—

''(i) AUTHORITY TO REQUIRE LEAST INTRUSIVE FACILITIES.—

''(I) IN GENERAL.—A State or local government may deny an application to place, construct, or modify personal wireless services facilities on the basis that alternative technologies, delivery systems, or structures are capable of delivering a personal wireless services signal comparable to that proposed to be delivered by such facilities in a manner that is less intrusive to the community concerned than such facilities.

''(II) CONSIDERATIONS.—In determining under subclause (I) the intrusiveness of technologies, delivery systems, or structures for personal wireless services facilities, a State or local government may consider the aesthetics of such technologies, systems, or structures, the environmental impact of such technologies, systems, or structures, and the radio frequency interference or radiation emitted by such technologies, systems, or structures.

''(III) BURDEN OF PROOF.—In any hearing for purposes of the exercise of the authority in subclause (I), the burden shall be on the applicant.

''(ii) RADIO INTERFERENCE.—A State or local government may regulate the location, height, or modification of personal wireless services facilities in order to address the effects of radio frequency interference caused by such facilities on local communities and the public.

''(iii) AUTHORITY TO REQUIRE STUDIES AND DOCUMENTATION.—No provision of this Act may be interpreted to prohibit a State or local government from—

''(I) requiring a person seeking authority to place, construct, or modify personal wireless services facilities to produce—

''(aa) environmental, biological, and health studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits, radio frequency interference impacts, and compliance with applicable laws, rules, and regulations governing the effects of such facilities on the environment, public health and safety, and the general welfare of the community and the public; and

''(bb) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

''(II) refusing to grant authority to such person to place, construct, or modify such facilities within the jurisdiction of such government if such person fails to produce studies, reports, or documentation required under subclause (I).

''(iv) CONSTRUCTION.—Nothing in this subparagraph may be construed to prohibit or otherwise limit the authority of a State or local government to ensure compliance with or otherwise enforce any statements, assertions, or representations filed or submitted by or on behalf of an applicant with the State or local government for authority to place, construct, or modify personal wireless

services facilities within the jurisdiction of the State or local government.''.

SECTION-BY-SECTION SUMMARY OF LOCAL CONTROL OF CELLULAR TOWERS ACT

SECTION 1. SHORT TITLE.

The subtitle may be cited as the ''Local Control of Cellular Towers Act.''

SEC. 2. FINDINGS AND PURPOSES.

The bill finds that as the placement of cellular towers can reduce property values, create radio frequency interference, and raise potential long-term health concerns. It also finds that state and local authorities should have the same control to regulate the placement of cellular facilities as they would with any other type of construction. The purpose of the bill is to reinstate the right of state and local governments to regulate the placement, construction, and modification of these facilities.

SEC. 3. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICES FACILITIES.

This section of the bill amends title 47 of the U.S. Code.

Section 3(a) strikes 47 U.S.C. 332(c)(7), clause iv, which prevented state and local governments from regulating the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions. Clause v of the same section of the Code is amended to allow States to determine the timeline for any appeal of a State or local decision that adversely affects a personal wireless service provider. A personal wireless service provider is no longer allowed to make a further appeal to the Federal Communications Commission (FCC). Furthermore, the bill clarifies that the party that wishes to build a personal wireless service facility bears the burden of proof in any appeal of state or local law.

Section 3(b) prohibits the FCC from implementing ''Procedures for Reviewing Requests for Relief from State and Local Regulation Pursuant to Section 332(c)(7)(B)(v).'' This rule stipulated the procedures for appealing state and local regulations to the FCC.

Section 3(c) adds a new subparagraph (C) to Section 332(c)(7) to give State and local governments the power to deny applications to place, construct, or modify personal wireless service facilities on the basis that less intrusive technologies are available that provide comparable service. Denials can be issued for reasons of aesthetics, environmental impact, radio frequency interference, or radiation emissions.

Section 3(c) also stipulates that state and local governments are empowered to regulate the location, height, or modification of personal wireless service facilities to reduce the effects of radio interference. State and local governments may also require environmental, biological, and health studies, engineering studies, or other comparable documentation from any person seeking to build or modify a personal wireless service facility. In addition, state and local governments may require documentation of compliance with any applicable Federal, State, or local regulation regarding aviation safety standards. Failure to provide such documentation or studies is grounds for a denial to construct or modify a facility.

Mr. JEFFORDS. Mr. President, I would like to rise today to express my support for the Local Control of Cellular Towers Bill, as well as the Local Control of Broadcast Towers Bill. I am pleased to be a cosponsor of these two pieces of legislation and commend my colleague from Vermont, Senator LEAHY, for his continued work on this issue.

The 1996 Telecommunications Act preempts State and local zoning laws, transferring jurisdiction away from State and local authorities to the Federal government. The legislation that we are introducing today would return that jurisdiction to the State and local authorities that are best equipped to make decisions regarding the placement and construction of cellular and broadcast towers.

In Vermont, new development and construction is governed by Act 250, an environmental land use law specifically written to control and manage development, while maintaining a balance between environmental protection and economic growth. Act 250 maintains this equilibrium by placing the permitting rights in the hands of local environmental review boards with appeal rights to the Vermont Environmental Board. Act 250 is therefore administered by men and women who are directly involved in their communities and thoroughly familiar with local concerns.

The state of Vermont established Act 250 in response to a period of unchecked development that began in the 1960's. As the Attorney General for the state at the time, I was one of the primary drafters of the environmental land use law. Since 1969, Act 250 has protected our environment, managed development, and provided a forum for neighbors, municipalities and other interest groups to voice their concerns about new development. I see no reason why the construction of cellular and broadcast towers should not be governed by Act 250 as well, and I remain hopeful that these two bills will reverse what the 1996 Act set forth.

Although I recognize the importance of building a sound and functional wireless network, I urge Congress to allow states and local communities to build that network so the negative impacts of tower construction are kept to a minimum. Among Vermont's greatest assets are its mountain ranges and beautiful views. Giving local communities authority over tower construction and placement is a step towards preserving and protecting those assets.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3104. 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 Commerce, Science, and Transportation.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3104

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

SECTION 1. MODIFICATION OF GOALS FOR REDUCING INCIDENTAL TAKE OF MARINE MAMMALS IN COMMERCIAL FISHING.

(a) REPEAL OF ZERO MORTALITY GOAL.—Section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) is amended by striking subsection (b), and by redesignating subsections (c) through (l) in order as subsections (b) through (k).

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

(1) In section 101(a)(2) (16 U.S.C. 1371(a)(2)) by striking the third sentence.

(2) In section 101(a)(5)(E)(i)(III) (16 U.S.C. 1371(a)(5)(E)(i)(III) by striking ''subsection (d)'' and inserting ''subsection (c)''.

(3) In section 115(b)(4) (16 U.S.C. 1384(b)(4)) by striking ''section 118(f)(1)'' and inserting ''section 118(e)(1)''.

(4) In section 117(a)(4) (16 U.S.C. 1386(a)(4)) in subparagraph (D) by striking '', and an analysis'' and all that follows through the end of the subparagraph and inserting a semicolon.

(5) In section 118 (16 U.S.C. 1387) by striking ''subsection (c)(1)(A) (i)'' each place it appears and inserting ''subsection (b)(1)(A) (i)''.

(6) In section 118 (16 U.S.C. 1387) by striking ''subsection (c)(1)(A)(i)'' each place it appears and inserting ''subsection (b)(1)(A)(i)''.

(7) In section 118(a)(1) (16 U.S.C. 1387(a)(1)) by striking the last sentence.

(8) In section 118(b), as redesignated by this subsection (16 U.S.C. 1387(c)(1)(B)), by striking ''subsection (e)'' each place it appears and inserting ''subsection (d)''.

(9) In section 118(c)(1)(B), as redesignated by this subsection (16 U.S.C. 1387(d)(1)(B)), by striking ''subsection (e)'' and inserting ''subsection (d)''.

(10) In section 118(e)(9)(D), as redesignated by this subsection (16 U.S.C. 1387(f)(9)(D)), by striking ''subsection (d)'' and inserting ''subsection (c)''.

(11) In section 118(f)(1), as redesignated by this subsection (16 U.S.C. 1387(g)(1)), by striking ''subsection (c)(1)(A)(iii)'' each place it appears and inserting ''subsection (b)(1)(A)(iii)''.

(12) In section 118(g), as redesignated by this subsection (16 U.S.C. 1387(h)), by striking ''subsection (c)'' and inserting ''subsection (b)''.

(13) In section 120(j)(2) (16 U.S.C. 1389(j)(2)) by striking ''118(f)(5)(A)'' and inserting ''118(e)(5)(A)''.

(c) MODIFICATION OF GOAL OF TAKE REDUCTION PLANS.—Section 118(e)(2) of such Act, as redesignated by subsection (a) of this section (16 U.S.C. 1387(f)(2)), is amended by striking the last sentence and inserting the following: ''The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of fishing operations taking into account the economics of the fishery, the availability of existing technology, and existing State and regional fishery management plans.''.

By Mr. FRIST (for himself, Mr. DODD, Mr. SANTORUM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE):

S. 3105. A bill to amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the ''West Nile Virus and Arboviral Disease Act''—a bill to help strengthen our public health system and improved research so that we can better respond to West Nile virus and other arboviruses. I want to thank Senators DODD, SANTORUM, BAYH, COCHRAN, AND DEWINE for their work in helping craft this important legislation.

This year, nearly 3000 Americans have been diagnosed with West Nile Virus, WNV. At least 146 have died. While this virus is transmitted to humans primarily through migratory birds and mosquitoes, recent evidence strongly suggests that WNV can be transmitted through blood transfusions, organ donations, and possibly even breast milk. Further, the latest studies indicate that some patients may experience polio-like symptoms as a result of WNV infection.

WNV first appeared in North America in 1999 with reports of encephalitis in birds, humans and horses. Prior to this summer, there had been only 149 cases and 18 deaths from this virus. Now, WNV has spread as far south as Florida and as far west as California, encompassing areas with warmer climates that will allow a year-round transmission cycle. In three years, we have lost the opportunity to contain the disease to the northeastern region of the United States, where mosquitos do not breed year-round. As a result, many more people will die and become ill.

Clearly, the increasing spread of the disease and these new findings require an enhanced response at the Federal level. We must do more to support State and local public health efforts to combat the spread of West Nile. And we must also intensify research at the federal level to better understand the etiology of the virus, develop improved abatement tools, and prevent the spread of the illness.

The Centers for Disease Control and Prevention, CDC, has published national guidelines for surveillance, prevention and control of WNV. CDC also developed a national electronic surveillance system, ArboNET, to track West Nile in humans, birds, mosquitoes, horses, and other animals. However, the data available to the ArboNET system likely underestimates actual geographic distribution of WNV transmission in the United States because the data are provided by up to 54 ArboNet by local health unit surveillance efforts which vary according to capacity and ability. We need to do more to strengthen the capacity of those surveillance efforts. One only needs to examine the map of the spread of WNV to determine that there may be gaps in our surveillance when some States, like Kansas and West Virginia, are surrounded by other states with similar arbovirus patterns but still not indicating the presence of human disease. One of the peculiarities of great surveillance systems is the increased incidence of disease, simply because better information is being collected.

Although strengthening our surveillance and response capabilities will help, we must also do more to increase the number of appropriately trained entomologists. There is clearly a need for more individuals who can understand the disease vectors, identify their breeding areas, and take action to eliminate the mosquito population before WNV season.

In response to these obvious deficiencies, this legislation establishes a temporary program for the containment of WNV and related arboviral diseases. Through this grant program, which is authorized for two years, but can be extended by the Secretary of Health and Human Services for an additional year, the CDC is authorized to make grants to states. States can use the funds to develop, implement, and evaluate comprehensive, community-based mosquito control plans. Additionally, states can work with local communities to develop and implement programs to support longer term prevention and control efforts, including training to develop a competent public health workforce. Finally, States are encouraged to work with local health entities to develop prevention and control programs.

As part of the requirement under the grant program, the CDC is charged with developing, in consultation with public and private health and mosquito control organizations, guidelines for State and local communities for a sustainable, locally managed, integrated mosquito control programs, as well as otherwise increasing CDC's capacity to provide technical assistance.

We also need to learn more about this virus and how it is spread. To combat WNV, we must develop: 1. improved insecticides; 2. rapid tests for the presence of WNV in human blood products; 3. pathogen inactivation technologies; and 4. additional methodologies to contain the spread of WNV or other related arboviruses, including the development of an appropriate WNV vaccine for humans and other mammals and better antiviral treatments.

In 1972, the FDA banned the general use of the pesticide DDT, ending nearly three decades of application. During which time, the once-popular chemical was used to control insect pests on crop and forest lands, around homes and gardens, and for industrial and commercial purposes. DDT was developed as the first of the modern insecticides early in World War II. It was initially used with great effect to combat malaria, typhus, and the other insect-borne human diseases among both military and civilian populations. A persistent, broad-spectrum compound often termed the ''miracle'' pesticide, DDT came into wide agricultural and commercial usage in this country in the late 1940s, but was banned by the FDA when the Director at that time determined that the continued massive use of DDT posed unacceptable risks of the environment and potential harm to human health. Since that time, we have not developed a replacement for DDT. We have become complacent, assuming that there would be no need to continue to reducing the insect population. We can no longer be complacent.

We have not yet developed a rapid diagnostic WNV test for blood products. There are two types of tests available, a serologic test or a polymerase chain reaction, PCR, test, but only the PCR test would be feasible for screening purposes. Experts have suggested that a new PCR test could be available within 18 months if the appropriate market incentives were in place. We need to determine the best way to expedite the development of this test.

Pathogen inactivation techniques could be used to purify blood samples by removing all DNA and RNA particles from the blood. However, we have not yet performed a larger assessment to determine the overall health benefit of this technique. Because the process relies on adding additional chemicals to the blood product, those chemicals, or derivatives thereof, may have a particular health effect. Therefore, given that there will be other emerging infectious diseases in our future, we need to develop a proactive, not reactive, mode to dealing with those infections.

Currently, scientists have developed an equine vaccine for WNV, but there is no human vaccine. Given the limited vaccine options, many veterinarians are even using the equine vaccine for avians and other mammals. Therefore, we need to focus efforts on developing vaccines for a host of susceptible mammals.

In conducting that research, given the nature of all arboviruses and the fact that WNV also infects a host of mammals, we need to build more bridges between veterinary health and public health. Already, avian experts are asked to assist our public health experts to help identify how bird migration would affect the spread of WNV. Additionally, any new vaccine or diagnostic test for WNV may have broader applicability to the host of other mammals affected by the virus.

Given the multitude of federal agencies that should be involved with relevant research, the legislation charges the President with expanding, intensifying, and enhancing research related to the identification or the development of insecticides, the development of a screening tools for WNV in both blood and organs, the development of pathogen inactivation technologies, technologies that safety and cost-effectively remove RNA and DNA from blood, and the development of additional methodologies for containing the spread of West Nile Virus and other related arboviruses. This research program is authorized for five years.

More should be done to continuously support the development of a capable public health infrastructure and increased response coordination at all levels. At the Federal level, we have

significantly increased our resources for these purpose by providing nearly $1 billion for bioterrorism-related activities, activities which should focus on ''dual use'' capabilities to strengthen our ability to respond to all infectious diseases. However, we need to ensure a continued investment if we are to stabilize our public health infrastructure and continue to focus on means by which to increase coordination.

Again, I want to commend Senators DODD, SANTORUM, BAYH, COCHRAN, and DEWINE for their contributions to the development of this legislation. It has been an honor and a pleasure to work with my distinguished colleagues on this bill, and I look forward to continuing to working with them and others to find better solutions to combating WNV.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 3106. A bill to amend the Denali Commission Act of 1998 to establish the Denali transportation system in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise to introduce a bill to establish the Denali Transportation System for my State of Alaska. I am pleased to be joined by the senior Senator from Alaska, Senator STEVENS, on this important legislation. I understand that a companion measure is to be introduced in the House.

This bill authorizes the Secrtary of Transportation to establish a program to fund the costs of construction of the Denali Transportation System, at a level of $440 million per year for the next 5 years. It is patterned after similar statutory language establishing the Appalachian Commission, which provides for transportation construction in that area of the nation.

As my colleagues are aware, Alaska lags far behind the rest of the country in its transportation infrastructure. Our road system is still in its infancy and our highway system reaches only the major cities of the State.

As we all know, the key to a thriving and self-sufficient economy for any State or Nation is commerce. But commerce itself cannot thrive without transportation. We must be able to travel from one place to another, to move goods from one place to another, to harvest our resources and craft our merchandise and get them both to market.

The Denali transportation system will provide benefits far outweighing its costs, not only to Alaska but to the Nation. It will make it possible to provide Alaska's valuable resources to those who need them. It will allow significant savings for residents of Alaska's remote areas, who today must pay the nation's highest prices for even basic things that you and I take for granted, for food, for energy to heat our houses, for access to a doctor's care when we need it, and access to reasonable educational opportunities for our children.

None of these things are universally available in Alaska as they are in other States. We have children who must board an aircraft every day, at least when the weather permits, just to be flown across a river that separates them from their only area school. We have villages where fuel arrives barrel by barrel, because there is no other way to get it there. We have communities where butter, and eggs, and milk, and fresh vegetables are still luxury items. We have towns where injured workers and pregnant women in need of care have access to a doctor only when the weather permits them to undertake an arduous journey by boat and small aircraft.

Alaska has much to offer the rest of the Nation. We have incomparable resources and energetic, innovative citizens. It is time we have a transportation system that will allow us to fully enter the world of the 21st Century, and this bill will help us accomplish that goal.

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

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

S. 3106

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 ''Denali Transportation System Act''.

SEC. 2. DENALI TRANSPORTATION SYSTEM.

The Denali Commission Act of 1998 (Public Law 105–277; 42 U.S.C. 3121 note) is amended—

(1) by redesignating section 309 as section 310; and

(2) by inserting after section 308 the following:

''SEC. 309. DENALI TRANSPORTATION SYSTEM.

''(a) CONSTRUCTION.—

''(1) IN GENERAL.—The Secretary of Transportation shall establish a program under which the Secretary may pay the costs of construction (including the costs of design) in the State of Alaska of the Denali transportation system.

''(2) DESIGN STANDARDS.—Any design carried out under this section shall use technology and design standards determined by the Commission.

''(b) DESIGNATION OF SYSTEM BY COMMISSION.—The Commission shall submit to the Secretary of Transportation—

''(1) designations by the Commission of the general location and termini of highways, port and dock facilities, and trails on the Denali transportation system;

''(2) priorities for construction of segments of the system; and

''(3) other criteria applicable to the program established under this section.

''(c) CONNECTING INFRASTRUCTURE.—In carrying out this section, the Commission may construct marine connections (such as connecting small docks, boat ramps, and port facilities) and other transportation access infrastructure for communities that would otherwise lack access to the National Highway System.

''(d) ADDITION TO NATIONAL HIGHWAY SYSTEM.—On completion, each highway on the Denali transportation system that is not already on the National Highway System shall be added to the National Highway System.

''(e) PREFERENCE TO ALASKA MATERIALS AND PRODUCTS.—In the construction of the Denali transportation system under this section, the Commission may give preference—

''(1) to the use of materials and products indigenous to the State; and

''(2) with respect to construction projects in a region, to local residents and firms headquartered in that region.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 310 of the Denali Commission Act of 1998 (Public Law 105–277; 42 U.S.C. 3121 note) (as redesignated by section 2(1)) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to the Commission—

''(1) to carry out the duties of the Commission under this title (other than section 309), and in accordance with the work plan approved under section 304, such sums as are necessary for fiscal year 2003; and

''(2) to carry out section 309 $440,000,000 for each of fiscal years 2003 through 2008.''.

By Mr. DURBIN (for himself and Mr. MCCAIN):

S. 3107. A bill to improve the security of State-issued driver's licenses, enhance highway safety, verify personal identity, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I rise to introduce the Driver's License Fraud Prevention Act. This is a timely bill that would provide much needed Federal assistance to the States to help make their driver's licenses more reliable and secure than they are today. I am pleased that my colleagues, Senator MCCAIN, has joined me in this effort.

Since September 11, 2001, we have learned much about our society. We learned in the most painful way that those aspects of our open society that we, as Americans, value the most, are the very same characteristics exploited by people who hate freedom.

Our open borders welcome millions of visitors and immigrants each year. Our civil society is based on the integrity of our citizens to self regulate their behaviors and to abide by the rule of law. And our very informal system of personal identification relies on the honesty of people to represent themselves as who they are, and to not hide their true identities.

Yet, after September 11, we learned that it was the very openness of our society that the nineteen terrorists took advantage of by slipping into our country and mingling among us for months before embarking on their evil tasks.

Since that tragic day, as a price for enhancing national security, we have imposed numerous measures across the country, including erecting barricades in front of buildings and requiring tougher screenings at airports. But there is one area that we need further improvements on, which is what our bill would address.

It seems that everywhere we turn today, we are asked to present photo identification. And what is the most common identification that we show? It's the State-issued driver's license.

The purpose of the driver's license has changed dramatically over the years. The driver's license was originally created by States for a public safety purpose, to permit a qualified person to operate a motor vehicle. Today, however, the license has become the most widely-used form of identification that is accepted by a wide variety of private and public entities. In an April 2002 poll conducted by Public Opinion Strategies, 83 percent of the American public noted that they used their driver's license for purposes other than driving.

A driver's license has undoubtedly become a key that can open many doors, yet the current framework that States rely on in issued licenses was not designed for the cards to be used for identification purposes. Today, the 50 States follow 50 different methods for verifying a person's identification when they process driver's license applications. They apply different standards for defining what the acceptable documentation are that they require from applicants.

Additionally, the level of security in the driver's licenses and identification cards varies widely, from those states that incorporate high tech biometric identifiers to ones that are simply laminated. In fact, law enforcement officials estimate that there are more than 240 different formats of valid driver's licenses in circulation today.

Because of the disparity in the State issuance processes and the varying degrees of security of the cards themselves, it is extremely easy for individuals today to abuse the system by shopping around for licenses in those States with the weakest practices.

Earlier this year, I chaired a hearing in the Governmental Affairs Subcommittee on Oversight of Government Management, where we learned that eighteen of the nineteen hijackers involved in the September 11th attacks probably used State-issued driver's licenses or identification cards to board those doomed airplanes.

We also learned that these terrorists specifically went to motor vehicle agencies in States that, at that time, employed some of the most lenient processes and requirements in issuing licenses and identification cards.

For example, on August 1, 2001, two of the terrorists, Hani Hanjour and Khalid Al-Mihdhar, drove a van from New Jersey to the Virginia Department of Motor Vehicles, DMV, office in Arlington. In the parking lot, they asked around until they found someone willing to lie and vouch for their Virginia residency. They met Luis Martinez-Flores and Herbert Villalobos who, for a price, were willing to help.

Hanjour and Al-Mihdhar paid these strangers $50 each and received notarized forms which claimed that the two transients were in fact Virginia residents. Using these fake documents, Hanjour and Al-Mihdhar walked into the DMV, stood in line, had their photos taken, and walked out with authentic State-issued Virginia photo identification cards.

The next day, on August 2, 2001, Hanjour and Al-Mihdhar returned to the same Arlington DMV with two other September 11 terrorists, Salem Al-Hazmi and Majed Moqed. Hanjour and Al-Mihdhar helped Al-Hazmi and Moqed obtain Virginia identification cards of their own by vouching that they lived together in Virginia.

On the same day, two more terrorists, Abdul Al-Omari and Ahmed Al-Ghamdi, who were renting a room at a Maryland motel, contacted Kenys Galicia, a Virginia legal secretary and notary public, through a referral from Luis Martinez-Flores, the same person who was loitering near the Arlington DMV the day before.

Al-Omari and Al-Ghamdi paid Galicia to have her prepare false notarized affidavits stating that the two men lived in Virginia. Using these fake documents, these two also went to a Virginia motor vehicles office and received State-issued identification cards.

In addition to exploiting the lax Virginia system, at least thirteen of the nineteen terrorists held driver licenses or identification cards from Florida, a State that, at that time, did not require proof of residency from applicants.

A few of the September 11 terrorists held licenses or identification cards from more than one State, including from California, Arizona, and Maryland, while only one did not appear to hold any form of American-issued identification. Some received duplicate cards from the same State within months of September.

Some of them used these licenses to rent automobiles and check into motels, which provided them with constant mobility. Others used licenses as identification to receive wire transferred funds and to register for flight schools.

Yet had they not held these valuable commodities, would they have been successful in carrying out their evil final acts?

At the Governmental Affairs Subcommittee hearing, we heard testimony from a Maryland police chief that, just two days before September 11th, Ziad Jarrah, one of the terrorists, was stopped for speeding on Interstate 95, north of Baltimore. During this traffic stop, Jarrah produced an apparently valid driver's license from the State of Virginia, and as a result, the stop proceeded in a typical fashion.

However, while Jarrah's license indicated a resident address in Virginia, Jarrah was in fact resting overnights at motels along the way to Newark, New Jersey, from where he boarded Flight 93, which ultimately crashed in Pennsylvania. Had he been unable to produce a license when he was pulled over, or if he had produced a license that the trooper could have identified as having been issued fraudulently, who knows how that stop may have concluded.

What we do know is that these terrorists bought their way into our shaky, unreliable, and dangerous system of government-issued identification. With the identification cards that they obtained under phony pretenses, doors opened across America, including the doors of the four doomed aircrafts on the morning of September 11, 2001.

More troubling is that it appears what the terrorists did in obtaining the multiple identification cards was a part of an official strategic plan that terrorists employ as they seek to infiltrate our society.

Last year, Attorney General Ashcroft presented to the Senate Judiciary Committee, on which I serve, a copy of an Al Qaeda Terrorists Manual that was found by Manchester, England, police officials during the search of an Al Qaeda member's home.

Contained in it is a page that reads as follows:

FORGED DOCUMENTS (IDENTITY CARDS, RECORD BOOKS, PASSPORTS)

The following security precautions should be taken:

* * * * *

2. All documents of the undercover brother, such as identity cards and passport, should be falsified.

3. When the undercover brother is traveling with a certain identity card or passport, he should know all pertinent [information] such as the name, profession, and place of residence.

* * * * *

5. The photograph of the brother in these documents should be without a beard. It is preferable that the brother's public photograph [on these documents] be also without a beard. If he already has one [document] showing a photograph with a beard, he should replace it.

6. When using an identity document in different names, no more than one such document should be carried at one time.

* * * * *

It is obvious to me that the September 11 terrorists were trained very well by Al Qaeda. They followed these instructions flawlessly as they sought, and successfully obtained, multiple State-issued driver's licenses and identification cards in America.

The use of fake IDs is one of the oldest tricks in the book for criminals, and now we know that this is a page in the book for terrorists as well.

It is also one of the oldest traditions of adolescence, and a rite of passage for many teenagers who casually use a borrowed or tampered ID to buy alcohol or tobacco products, or to get into a nightclub. But underage drinking not only endangers the lives of those consuming the alcohol, it threatens the lives of others as well.

According to a 2001 survey by the Substance Abuse and Mental Health Services Administration, SAMHSA, more than 10 million individuals aged between 12 to 20 years old reported consuming alcohol in the year prior to the survey. The National Highway Traffic Safety Administration, NHTSA, reports that in the United States, drivers between the ages of 16 and 21 account

for just seven percent of all drivers in the Nation, yet are involved in fifteen percent of all alcohol-related fatalities.

Drunk drivers are perhaps the most dangerous drivers on the road. But there are others who should not be allowed on the road.

We learned that thousands of drivers each year operate motor vehicles using multiple licenses issued under different identities from multiple states, which enable them to evade enforcement of driving restrictions imposed on them.

They know that under the current license issuance process, no State checks the background of license applicants with its sister States to see if that person may have already been issued a license by another State. So it is quite easy for individuals who have had their license suspended or revoked in one State to travel to a neighboring State and acquire a new license.

A reprentative of the American Association of Motor Vehicle Administrators, AAMVA, who testified at our hearing stated it this way: ''Although the current system allows for reciprocity among the States, it lacks uniformity. Individuals looking to undermine the system, whether it is a terrorist, a drunk driver or an identity thief, shop around for licenses in those States that have become the weakest link.''

AAMVA is a nonprofit voluntary association representing all motor vehicle agency administrators and chief law enforcement officials throughout the United States and Canada.

At the hearing, we also heard from a representative of the National Governors Association, NGA, who testified that the NGA has not yet developed an official position on the subject of identity security or enhancing the driver's license systems.

However, he acknowledged that the current system employed by States is broken, and is more likely to actually enable identity theft and fraud rather than prevent it.

He and others on the panel referenced several initiatives that some states were currently undertaking to improve their driver's license systems. For example, Virginia and Florida adopted revised procedures since last year to prevent the types of abuses we all recognized since September 11. And many other State legislatures have adopted, and are still in the process of debating, various reform measures, which, I believe, are all steps in the right direction.

I was especially encouraged to hear that the states were willing and ready to work with the Federal Government to address their problem together.

At our hearing, the AAMVA representative also testified that:

> Seventy-seven percent of the American public support Congress passing legislation to modify the driver's licensing process and identification security. And, we need Congress to help in five areas: (1) support minimum compliance standards and requirements that each state must adopt when issuing a license; (2) help us identify fraudulent documents; (3) support an interstate network for confirming a person's driving history; (4) impose stiffer penalties on those committing fraudulent acts; (5) and, provide funding to make this happen. Funding so states can help ensure a safer America.

Thus, following this hearing, I reached out to, and worked with a number of groups and individuals representing States, motor vehicle agencies, privacy advocates, immigrant communities, and the technology industry, to consider an appropriate federal legislation on this issue.

We also reached out to various agencies in the Bush Administration, including the Office of Homeland Security, to seek their input on legislation.

Then, in July of this year, President Bush unveiled his ''National Strategy for Homeland Security.'' In that report the President wrote:

> MAJOR INITIATIVES (STATE)
>
> Given the states' major role in homeland security, and consistent with the principles of federalism inherent to American government, the following initiatives constitute suggestions, not mandates, for state initiatives.
>
> Coordinate suggested minimum standards for state driver's licenses. The licensing of drivers by the 50 states, the District of Columbia, and the United States terrorities varies widely. There is no national or agreed upon state standards for content, format, or license acquisition procedures. Terrorist organizations, including Al-Qaeda operatives involved in the September 11 attacks, have exploited these differences. While the issuance of drivers' licenses fall squarely within the powers of the states, the federal government can assist the states in crafting solutions to curtail the future abuse of drivers' licenses by terrorist organizations. Therefore, the federal government, in consultation with state government agencies and non-governmental organizations, should support state-led efforts to develop suggested minimum standards for driver's licenses, recognizing that many states should and will exceed these standards.

I fully agree with the President that the issuance of driver's licenses is within the province of the States. In fact, our bill explicitly recognizes and preserves the right of states to determine the qualification or eligibility for obtaining driver's licenses, the terms of its validity, and how the license should look.

But I also agree with the President that there is an important role for the Federal Government to play in assisting the states to address the national problem of fraud and abuse. I therefore believe this bill that we are introducing today strikes an appropriate balance between the states' authority and federal interests.

Our bill is narrowly drafted to improve the process by which licenses are issued. First, I note that there are two already existing federal programs that address driver's licenses.

The National Driver Register, NDR, which was first created by Congress in 1960 and revised in 1982, serves as a central file of state reports on drivers whose licenses have been suspended, revoked, canceled, or denied, or who have been convicted of serious traffic-related offenses. The NDR's primary purpose is to enable State motor vehicle agencies to share driver record information with each other so that they can make informed decisions about issuing driver's licenses to individuals, particularly those who move into their states from other jurisdictions.

The Commercial Driver License Information System is the second Federal program, which was established by Congress in 1986, to keep problem commercial drivers off the roads, and to prevent traffic violations from being hidden behind multiple licenses.

Every State today participates in both federal programs, and all States currently share certain information with each other in order to make informed decisions before issuing driver's licenses. However, the current limited scope of these programs leave a gaping loophole: One deals only with records of problem drivers, while the other deals only with records of commercial drivers. What about the records of non-problem drivers who are not commercial drivers?

Our bill closes this loophole by consolidating the appropriate functionalities of these two programs and by adding new security measures that would allow every State to check all other States' records of all drivers before issuing commercial or regular driver's licenses. This new process will help prevent States from issuing more than one license to any one individual, which will end forum shopping, abuse, and fraud.

In recognizing the federal responsibilities of this program, our bill would provide Federal funding for the upgrades as well as direct Federal funding to states to assist their continued participating in the new integrated system.

While the goals of the bill are specific and firm, we are also mindful of the jurisdiction of the states to regulate who is eligible to receive driver's licenses, and what the licenses should look like. We thus provide authority to the Secretary of Transportation to engage in a negotiated rulemaking which would include all the appropriate affected entities and individuals, in order to collectively develop the required minimum standards on the issuance process.

This program can be successful only if every state participates enthusiastically. Therefore, to provide maximum input from the states, the bill specifically requires that the Secretary consult with the states and entities representing the interest of the states, and, as necessary, with interested groups and individuals in developing consensus implementing regulations.

I should note, as the White House has, that many States should and will exceed these minimum standards set forth in this bill. So for states that are already above the curve, our bill provides federal grants to highlight innovative pilot programs designed to verify driver's identity, prevent fraud,

or demonstrate the use of technology to create tamper resistant licenses.

Our bill also requires States to make their driver's licenses and identification cards more resistant to tampering, altering, or counterfeiting then they are today. But, again, the bill does not specify what those security features ought to be. Instead, it requires the Secretary of Transportation to engage in rulemaking with the States and with experts to collectively develop the required minimum standards for all states to adopt.

The bill also cracks down on internal fraud and bribery that, unfortunately, occur behind the DMV counters. We impose tough penalties for unauthorized access to or use of DMV equipment used to manufacture licenses, and also creates penalties for persons who fraudulently issue, obtain, renew, or transfer a driver's license. The bill also requires States to conduct internal audits of license issuance processes to identify and address these fraudulent activities.

Finally, our bill enhances privacy protection for license holders by significantly strengthening the Driver's Privacy Protection Act, which Congress last amended in 1994. The bill protects the privacy of driver's information by expanding the definitions of sensitive ''personal information'' and by tightening up the current set of permissible disclosures.

Additionally, under this bill, State motor vehicle agencies would be prohibited from disclosing or displaying social security numbers on any driver's license, motor vehicle registration, or any other document issued for the purpose of identification.

With Federal financial and technical assistance and a narrowly tailored common-sense approach, I believe this bill can close the loopholes that continue to leave all of us vulnerable. By working together, we can assist states to adopt a new system that will ensure integrity in the issuance process, integrity in the cards themselves, and protection of privacy of drivers across the country. I urge my colleagues to support this important bill.

By Ms. COLLINS:

S. 3110. A bill to require further study before amendment 13 to the Northeast Multispecies (Groundfish) Management Plan is implemented; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to introduce the Fisheries Management Fairness Act in order to provide New England fishermen with a guarantee that the fisheries management decisions that affect their lives will not be made without the benefit of sound, reliable data.

Fishing is more than just a profession in New England. Fishing is a way of life. This way of life is being threatened, however, by excessive regulations and unnecessary litigation. Despite scientific evidence of a rebound in fish stocks, fishermen are suffering under ever more burdensome restrictions. As a result of recent litigation, fishermen have seen their days at sea slashed, struggle to implement new gear changes, and are squeezed into ever smaller fishing areas.

Everyday, I hear from fishermen who struggle to support their families because they have been deprived of their right to make an honest living on the seas. The ''working waterfronts'' of our communities are in danger of disappearing, likely to be replaced by tourism and development. Once the culture of fishing is lost, it will be all but impossible ti replace.

On September 11, 2002, the National Marine Fisheries Service announced that the trawler gear used on the NOAA research vessel Albatross IV had been calibrated incorrectly, casting suspicion over the data it had collected since February of 2000. The miscalibrated gear had been used to conduct the last eight stock abundance surveys, which measure long-term increases and decreases in stock populations.

Data gathered by these surveys are the basis for regulations in fisheries management plans governing the rebuilding of overfished stocks. These regulations take the form of ''amendments'' to the New England's overall groundfish management plan, covering a complex of thirteen groundfish species. Amendment 13, the next set of regulations, is supposed to be ready for implementation by August 22, 2003.

Although the National Marine Fisheries Service has conducted an observation cruise and a performance review workshop with industry to examine the extent of the damage in the survey, the agency has concluded that additional research is required to determine the full extent of the damage caused by the flawed gear. The Service has pledged to conduct a ''short-term experiment'' to determine the extent of the damage to the survey. This short-term experiment will rely on video and sensor equipment to gather data, and a subsequent workshop to examine the data and produce a report that can be used in updating groundfish assessments.

It is unlikely that this experiment will provide the quality of data necessary to develop Amendment 13 by its court-ordered deadline. The type of data necessary to develop fisheries management plans can be produced only after years of research that demonstrate long-term stock trends. Theoretical modeling of past data of questionable quality is simply not good enough to develop the regulations of a plan that will affect the survival of our fishermen.

When fishermen's livelihoods depend on the quality of survey data, we owe it to them to get the data collection right. There is no room for second-rate science and faulty data.

My bill addresses these problems by preventing Amendment 13 from being implemented for two years, enough time to allow the Northeast Fishery Science Center and the National Marine Fishery Center to determine the reliability of the data collected by the Albatross IV and to collect accurate data on which to base future amendments.

I will not stand idly by and let New England's fishing community die without a fight. I pledge to work with my colleagues in the Senate to work to pass this legislation. If we cannot pass it as a rider to another bill during this session, then I plan to reintroduce it and fight for its passage when we reconvene next year.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 338—DESIGNATING THE MONTH OF OCTOBER, 2002, AS ''CHILDREN'S INTERNET SAFETY MONTH''

Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, Mrs. HUTCHISON, Mr. ALLEN, Mr. CLELAND, Mr. BROWNBACK, Mr. CRAIG, Mrs. CLINTON, Ms. CANTWELL, Mr. DURBIN, Mr. EDWARDS, Mr. DODD, Mr. KERRY, Mr. BUNNING, Mr. HATCH, Mr. BENNETT, Mr. HUTCHINSON, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 338

Whereas the Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world;

Whereas the new era of instant communication holds great promise for achieving better understanding of the world and providing the opportunity for creative inquiry;

Whereas it is vital to the well-being of children that the Internet offer an open and responsible environment to explore;

Whereas access to objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in unsolicited form;

Whereas there is a growing concern in all levels of society to protect children from objectionable material; and

Whereas the Internet is a positive educational tool and should be seen in such a manner rather than as a vehicle for entities to make objectionable materials available to children: Now, therefore, be it

Resolved, That the Senate

(1) designates October, 2002, as ''Children's Internet Safety Month'' and supports its official status on the Nation's promotional calendar; and

(2) supports parents and guardians in promoting the creative development of children by encouraging the use of the Internet in a safe, positive manner.

SENATE RESOLUTION 339—DESIGNATING NOVEMBER 2002, AS ''NATIONAL RUNAWAY PREVENTION MONTH''

Mrs. MURRAY (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 339

Whereas the prevalence of runaway and homeless youth in our Nation is staggering, with studies suggesting that between 1,300,000 and 2,800,000 young people live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 children in the United States running away before the age of 18;

Whereas youth that end up on the streets are often those who have been ''thrown out'' of their homes by their families, who have been physically, sexually, and emotionally abused at home, who have been discharged by State custodial systems without adequate transition plans, who have lost their parents through death or divorce, and who are too poor to secure their own basic needs;

Whereas effective programs supporting runaway youth and assisting young people in remaining at home with their families succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing young people from running away and supporting youth in high-risk situations is a family, community, and national responsibility;

Whereas the future well-being of the Nation is dependent on the value placed on young people and the opportunities provided for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based support services that address the critical needs of such youth;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link young people to local resources that provide positive alternatives to running away; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

Resolved, That the Senate designates November 2002, as ''National Runaway Prevention Month''.

Mrs. MURRAY. Mr. President, I am pleased to be joined by my colleague from Maine, Senator COLLINS, in submitting this Senate resolution designating November as ''National Runaway Prevention Month.''

A recent study by the Federal Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million American youth run away or are turned out of their homes in a single year. Many of these children end up living on the streets where they become victims of illness, hunger, drug use, and crime. Any parent knows how important their support is to helping children get a good start in life.

Unfortunately, too many young people find themselves in desperate straits. Imagine a young girl, perhaps 15 or 16 years old, finding herself with no place to sleep. Or realizing that she is hungry but has no money left for food or for bus fare to get to a soup kitchen. Imagine her fear when the nights turn very cold and the clothes on her back are not enough to keep her warm. As a country, we would not, could not and must not ignore this young girl. I bring this resolution to the floor today to raise awareness of the tragedy of runaway youth, to express my appreciation for those who work to prevent runaways and help street children, and to remind my colleagues of the difference our funding decisions make in people's lives.

Many street youth are running from families beleaguered by physical abuse, neglect, parental substance abuse, poverty or serious family conflict. Unlike many homeless adults, who often suffer from mental illness or substance abuse problems, most of these young people are leaving their homes as a reaction to intolerable circumstances. But while the conditions that drive these young people out of their homes may be intolerable, they are almost always preventable or treatable.

As with many problems our society faces, the best way for us to prevent runaway and ''thrownaway'' children from taking to the streets is for our communities to work together. Communities can and must intervene to strengthen families and help youth in high-risk situations. The needs of these families are as diverse as our nation, but the solutions are often as simple as high-quality intervention services from a government, community or faith-based organization. Local organizations offering services to victims of domestic violence, counseling and anger management courses, substance abuse treatment and other social services could make the difference in whether or not a child runs away.

I would like to take a moment to recognize and thank the social workers, counselors, caseworkers, teachers, and volunteers who devote their lives to preventing runaways. The services they offer vary widely, but their intervention may keep a family together and a young person in a healthy home. I would also like to thank the thousands of workers and volunteers who work with runaway youth. It is not always easy to work with young people who may be angry, alienated or addicted to drugs, but the people who go into the streets to find and help these children are capable, committed and caring. They are often the only thing standing between a young person and self-destruction. They help street children find shelter and food, get an education and recover from substance abuse where necessary. They also help them reunite with their families when appropriate, or find a safe alternative. They are truly guardian angels.

Finally, I want to remind my colleagues that many of the local services that can help a struggling family become a healthy home are federally funded. We often see these services as abstract line-items in an appropriations bill: Temporary Assistance to Needy Families, Child Abuse Prevention and Treatment State Grants, and Social Services Block Grants. We must remember that these are not just line-items, they are lifelines to youth who need our help. Given the enormous deficits most States are facing, many of these services are losing critical state resources. As we ensure resources are available for the war against terrorism, we must not abandon our vulnerable young people in their own fight for survival.

The recent White House Conference on Missing, Exploited, and Runaway Children helped to remind us of the fate of thousands of these children. Declaring November to be ''National Runaway Prevention Month'' would build on that reminder. Across our country, communities will undertake activities during November to increase public awareness of the circumstances facing many youth and the need for safe, healthy, and productive alternatives and resources for these children and their families. This resolution puts the United States Senate on record in support of National Runaway Prevention Month and its effort to promote family-based and community-based interventions that prevent young people from running away from home. I urge my colleagues to support our Nation's vulnerable youth by co-sponsoring this resolution and making an effort through their actions or their words to raise awareness of the tragedy of runaway youth.

SENATE CONCURRENT RESOLUTION 152—DESIGNATING AUGUST 7, 2003, AS ''NATIONAL PURPLE HEART RECOGNITION DAY''

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 152

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary war, but was revived out of respect for the memory and military achievements of George Washington in 1932, the 200th anniversary of his birth; and

Whereas the designation of August 7, 2003, as ''National Purple Heart Recognition Day'' is a fitting tribute to General Washington and to the over 1,535,000 recipients of the Purple Heart Medal, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates August 7, 2003, as ''National Purple Heart Recognition Day'';

(2) encourages all Americans to learn about the history of the Order of the Purple Heart for Military Merit and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for the Order of the Purple Heart for Military Merit.

AMENDMENTS SUBMITTED & PROPOSED

SA 4871. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table.

SA 4872. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4873. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4874. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4875. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4876. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4877. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, supra; which was ordered to lie on the table.

SA 4878. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 3389, to reauthorize the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 4871. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereinafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in t8he 1980s and against Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(c) on planning to establish a secure environment in the immediate aftermatch of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The reported required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4872. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for Use of Force Against Iraq Resolution of 2002.''

SEC. 2.

The Senate finds that—Under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring

states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a),the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat of the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4873. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4874. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991),

which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism.

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 2. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) That the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4875. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

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

SEC. 2.

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism, require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SEC. 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but not later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4876. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SEC. 2

The Senate finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

On numerous occasions since 1991, the United Nations Security Council has reaffirmed Resolution 687, most recently in Resolution 1284, which established a new weapons inspection regime to ensure Iraqi compliance with its obligations under Resolution 687;

On numerous occasions since 1991, the United States and the United Nations Security Council have condemned Iraq's failure to fulfill its obligations under Resolution 687 to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program;

Iraq under Saddam Hussein used chemical weapons in its war with Iran in the 1980s and against the Kurdish population in northern Iraq in 1988;

Since 1990, the United States has considered Iraq to be a state sponsor of terrorism;

Iraq's failure to comply with its international obligations to destroy or dismantle its weapons of mass destruction program and its prohibited ballistic missile program, its record of using weapons of mass destruction, its record of using force against neighboring states, and its support for international terrorism require a strong diplomatic, and if necessary, military response by the international community, led by the United States.

SECTION 3. AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION FOR THE USE OF FORCE.—The President, subject to subsection (b), is authorized to use United States Armed Forces—

(1) to enforce United Nations Security Council Resolution 687, and other resolutions approved by the Council which govern Iraqi compliance with Resolution 687, in order to secure the dismantlement or destruction of Iraq's weapons of mass destruction program and its prohibited ballistic missile program; or

(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

SEC. 3. CONSULTATION AND REPORTS.

(a) CONSULTATION.—The President shall keep Congress fully and currently informed on matters relevant to this joint resolution.

(b) INITIAL REPORT.—

(1) As soon as practicable, but no later than 30 days after exercising the authority under subsection 2(a), the President shall submit to Congress a report setting forth information—

(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) may be submitted in classified form.

(c) SUBSEQUENT REPORTS.—Following transmittal of the report required by subsection (b), the President shall submit a report to Congress every 60 days thereafter on the status of United States diplomatic, military and reconstruction operations with respect to Iraq.

SEC. 4. WAR POWERS RESOLUTION REQUIREMENTS.

(a) SPECIFIC STATUTORY AUTHORIZATION—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory 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.

SA 4877. Mr. SPECTER submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq; which was ordered to lie on the table, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Authorization for the Use of Force Against Iraq Resolution of 2002.''

SEC. 2.

The Senate Finds that under United Nations Security Council Resolution 687 (1991), which effected a formal cease-fire following the Persian Gulf War, Iraq agreed to destroy or dismantle, under international supervision, its nuclear, chemical, and biological weapons programs (hereafter in this joint resolution referred to as Iraq's ''weapons of mass destruction program''), as well as its program to develop or acquire ballistic missiles with a range greater than 150 kilometers (hereafter in this joint resolution referred to as Iraq's ''prohibited ballistic missile program''), and undertook unconditionally not to develop any such weapons thereafter.

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(2) in the exercise of individual or collective self-defense, to defend the United States or allied nations against a grave threat posed by Iraq's weapons of mass destruction program and its prohibited ballistic missile program.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF FORCE IS NECESSARY.—Before exercising the authority granted by subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has attempted to seek, through the United Nations Security Council, adoption of a resolution after September 12, 2002 under Chapter VII of the

United Nations Charter authorizing the action described in subsection (a)(1), and such resolution has been adopted; or

(2) that the threat to the United States or allied nations posed by Iraq's weapons of mass destruction program and prohibited ballistic missile program is so grave that the use of force is necessary pursuant to subsection (a)(2), notwithstanding the failure of the Security Council to approve a resolution described in paragraph (1).

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(A) about the degree to which other nations will assist the United States in the use of force in Iraq;

(B) regarding measures the United States is taking, or preparing to take, to protect key allies in the region from armed attack by Iraq; and

(C) on planning to establish a secure environment in the immediate aftermath of the use of force (including estimated expenditures by the United States and allied nations), and, if necessary, prepare for the political and economic reconstruction of Iraq following the use of force.

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(a) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that section 2 is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

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

SA 4878. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 3389, to reauthorize the National Sea Grant College Program Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Act Amendments of 2002''.

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting '', including strong collaborations between Administration scientists and scientists at academic institutions.''.

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(1) is amended to read as follows:

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.''.

(b) PROGRAM EVALUATION AND RATING.—

(1) EVALUATION AND RATING REQUIREMENT.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended to read as follows:

''(A)(i) evaluate the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities; and

''(ii) rate the programs according to their relative performance (as determined under clause (i) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;''.

(2) REVIEW OF EVALUATION AND RATING PROCESS.—(A) After 3 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) in determining the relative performance of programs of sea grant colleges and sea grant institutes;

(ii) to evaluate whether the sea grant programs have improved as a result of the evaluation process; and

(iii) to make appropriate recommendations to improve the overall effectiveness of the evaluation process.

(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the date of the enactment of this Act.

(c) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking ''and'' after the semicolon at the end of clause (ii) and by adding at the end the following:

''(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and''.

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking ''section 204(d)(6)'' and inserting ''section 204(c)(4)(F)''.

SEC. 5. FELLOWSHIPS.

(a) ENSURING EQUAL ACCESS.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: ''The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 years after the date of the enactment of the National Sea Grant College Program Amendments of 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.''.

(b) POSTDOCTORAL FELLOWS.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: ''The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $60,000,000 for fiscal year 2003;

''(B) $75,000,000 for fiscal year 2004;

''(C) $77,500,000 for fiscal year 2005;

''(D) $80,000,000 for fiscal year 2006;

''(E) $82,500,000 for fiscal year 2007; and

''(F) $85,000,000 for fiscal year 2008.

''(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2003 through 2008—

''(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

''(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

''(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

''(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

''(b) LIMITATIONS.—

''(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated under this title for the fiscal year; or

''(B) the amount appropriated under this title for the fiscal year.

''(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

''(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

''(1) sea grant programs, according to their rating under section 204(d)(3)(A);

''(2) national strategic investments authorized under section 204(b)(4);

''(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute;

''(4) a sea grant college or sea grant institute designated after the date of enactment

of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).''.

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant college Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

''(e) ANNUAL REPORT ON PROGRESS.—

''(1) REPORT REQUIREMENT.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

''(2) TERRITORIES AND FREELY ASSOCIATED STATES.—The report shall include description of—

''(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

''(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

''(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).''.

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how such research interests will be pursued by the programs in a complementary manner.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 10, 2002, at 11 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 2986, a bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan.

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

COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 10, 2002 at 10 a.m. to hold an open hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 10, 2002 at 5 p.m. to hold a closed Conference on the FY 03 Intelligence Authorization bill with the House Permanent Select Committee on Intelligence.

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

SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 10, 2002, at 9:30 a.m., in open session to receive testimony regarding the Department of Defense's inquiry into Project 112/Shipboard Hazard and Defense (SHAD) tests.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Andrew Morrison, a State Department fellow on the staff of the Committee on Foreign Relations, be granted the privilege of the floor during consideration of S.J. Res. 45.

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

Mr. CARPER. Mr. President, I ask unanimous consent that privilege of the floor be granted to Jessica Hafer, a member of my staff, during debate on this resolution.

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

MAKING FURTHER CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 122 received from the House, which is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The joint resolution (H.J. Res. 122) was read the third time and passed.

PATSY TAKEMOTO MINK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 113, which has been received from the House and is now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 113) recognizing the contributions of Patsy Takemoto Mink.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, the preamble be agreed to, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The joint resolution (H.J. Res. 113) was read the third time and passed.

The preamble was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5427

Mr. REID. Mr. President, H.R. 5427 is at the desk and due for its second reading; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask that H.R. 5427 be read a second time, but I also object to any further proceedings.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building''.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 4968

Mr. REID. Mr. President, it is my understanding that H.R. 4968, which has been received from the House, is now at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4968) to provide for the exchange of certain lands in Utah.

Mr. REID. I ask for its second reading but object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3099

Mr. REID. Mr. President, I understand S. 3099, introduced earlier today by Senator DASCHLE and others, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3099) providing emergency disaster assistance to agricultural producers.

Mr. REID. I ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

The bill will be read for the second time on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3100

Mr. REID. Mr. President, I understand S. 3100, introduced earlier today by Senator FEINSTEIN and others, is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3100) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

Mr. REID. I now ask for its second reading, and I object to my own request on behalf of the minority.

The PRESIDING OFFICER. The objection is heard.

This bill will be read for the second time on the next legislative day.

REFERRAL OF S. 2018

Mr. REID. I ask unanimous consent that Calendar No. 637, S. 2018, a bill to establish the T'uf Shur Bien Preservation Trust Area, be referred to the Indian Affairs Committee for the sole purpose of the committee reporting the bill with amendments that were agreed upon by the committee, and the bill be returned to the calendar forthwith.

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

MILITARY CONSTRUCTION APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003—CONFERENCE REPORT

Mr. REID. Mr. President, I submit a report of the committee on the conference on the bill (H.R. 5011), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 9, 2002.)

Mrs. FEINSTEIN. Mr. President, I am pleased to bring before the Senate the conference agreement on the fiscal year 2003 military construction appropriations bill.

While the United States is engaged in a war on terrorism, and Congress is debating whether to give the President the authority to attack Iraq, it is timely that we are also acting to provide the military with the resources it needs to carry out its missions. The military construction appropriations bill funds scores of mission critical and quality of life infrastructure projects that are essential to support the efforts of the military.

I am pleased that the Senate has moved quickly to take up this conference agreement. This bill provides nearly $10.5 billion in new budget authority, an amount only slightly below last year's funding. Given the many additional requirements being imposed on the military, particularly to meet new antiterrorism and force protections standards, additional funding would have been helpful. Still, within the funding constraints imposed on the bill, this measure does an excellent job of meeting the most critical infrastructure needs of the services.

Mr. President, the projects in this bill address military readiness, quality of life, and anti-terrorism/force protection requirements. The conference attempted to address as many of the services' priorities as possible, and I believe we have done a good job in that respect, particularly in light of the fact that the House and Senate bills had very significant differences between them.

The conference agreement provides nearly $4.9 billion for the active components of the military. It provides $688 million for the guard and reserve, more than double the President's budget request. Within these amounts is included $799 million for anti-terrorism/force protection enhancements for military facilities worldwide. This commitment to protect American military bases will help to ensure the security of military personnel and the families, as well as to protect the taxpayers' substantial investment in defense infrastructure.

The Conference Agreement also provides $1.2 billion for barracks, and $4.2 billion for military family housing, both of which are top quality of life priorities for military personnel and their families.

There are two other very important items that merit mention. The first is a $25 million initiative to accelerate the construction associated with the Army's Stryker Brigade combat teams.

The Stryker Brigades will offer the military fast, light-weight, air-mobile combat power—a far advanced system when compared to the restrictions with heavy armor.

An additional $25 million initiative will accelerate the Air Force's C–17 Air Mobility Program.

The C–17 initiative will provide the infrastructure needed to support and enhance the ability of one of the air force's most dependable aircraft, capable of transporting both troops and equipment. The C–17 program will help address the significant shortfall in Military airlift requirements.

The conference report also includes $20 million dollars for a BRAC Environmental cleanup initiative.

This initiative assists Military installations that have been closed as part of the base realignment and closure effort. This additional funding, in addition to the budget requested amount, is necessary to enable the military to honor its commitments to the people and the communities that have been affected by these last four rounds of base closure.

This is a start, but much more will be needed to complete the environmental clean up of BRAC sites across the nation in a reasonable period of time. This is certainly something that should be considered before the nation embarks on any future rounds of base closings.

Mr. President, I thank chairman BYRD, Senator STEVENS, and my ranking member on the subcommittee, Senator HUTCHISON, for their support and assistance in bringing this conference agreement to the Senate. I also thank the subcommittee staff, including Christina Evans and BG Wright of the majority staff; Sid Ashworth and Alycia Farrell of the minority staff; and Matt Miller of my staff, for their hard work on this measure.

Given the difficulties that have faced the appropriations process this year, I am pleased and grateful that the military construction bill will be sent to the President prior to the Senate's adjournment. I urge the President to sign this bill without delay.

Mrs. HUTCHISON. Mr. President, I am pleased to bring before the Senate the conference agreement on the fiscal year 2003 military construction appropriations bill and endorse those comments made by the Chairman, Senator FEINSTEIN.

I am gratified that the Congress was able to move forward on a military construction bill for fiscal year 2003. This is especially critical when the nation is considering military action to prevent the spread of terrorism and the potential use of weapons of mass destruction. Given the circumstances, this is a particularly timely, and time sensitive, Conference Report, and it is

important that the Senate is moving quickly to pass it so that we can provide our military personnel the housing and facilities they need to perform their duties.

This is a good package that meets the most pressing needs of the military, both in terms of readiness and quality of life issues. It is not, of course, a perfect package. The Conference Report does not include everything that the Senate wanted; nor does it includes everything that the House wanted. It does, however, address the priorities of the Department of Defense as well as both Houses of Congress. It is a carefully crafted compromise that is both balanced and bipartisan.

The Chairman highlighted several of the critical items contained in this bill, such as $1.2 billion for new barracks, $151 million for military hospitals and medical facilities, $688 million for new Guard and Reserve facilities, and $1.34 billion for new family housing for military personnel and their families.

These are important increases that signal a renewed commitment to upgrading and rebuilding the infrastructure that is truly the backbone of our Nation's military. I am proud to support funding for these important programs.

In recent years, we have made real progress in improving family housing for single service members and for families, as well as improving the workplaces for the men and women who serve America both at home and abroad. However, much remains to be done.

It is my hope that in future budgets, we will see sufficient resources to continue the Department of Defense's efforts to modernize, renovate and improve aging defense facilities and infrastructure. the effects of sustained and structural inattention by the Pentagon and the military services to basic infrastructure are apparent on nearly every military installation. This will continue to have long-term implications as facilities continue to age disproportionately without a sustained level of investment in maintenance and repair.

Mr. President, I want to thank Chairman BYRD, Senator STEVENS, and the Chairman of this subcommittee, Senator FEINSTEIN, for their unflagging support and assistance in bringing this conference agreement to the Senate. I also thank the subcommittee staff for their hard work on this measure.

Mr. REID. I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD with no intervening action or debate.

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

The conference report was agreed to.

RECOGNIZING THE EXPLOITS OF THE OFFICERS AND CREW OF THE S.S. HENRY BACON

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 411.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 411) recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and any statements regarding this resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 411) was agreed to.

The preamble was agreed to.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to H.R. 3389, Calendar No. 463.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3389) to reauthorize the National Sea Grant College Program Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Senator KERRY has an amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, the motion to reconsider be laid on the table, the bill as amended be read a third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The amendment (No. 4878) was agreed to, as follows:

(Purpose: To reauthorize the National Sea Grant Program, and for other purposes)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Act Amendments of 2002''.

SEC. 2. AMENDMENTS TO FINDINGS.

Section 202(a)(6) of the National Sea Grant College Program Act (33 U.S.C. 1121(a)(6)) is amended by striking the period at the end and inserting '', including strong collaborations between Administration scientists and scientists at academic institutions.''.

SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) QUADRENNIAL STRATEGIC PLAN.—Section 204 (c)(1) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(1)) is amended to read as follows:

''(1) The Secretary, in consultation with the panel, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.''.

(b) PROGRAM EVALUATION AND RATING.—

(1) EVALUATION AND RATING REQUIREMENT.—Section 204(d)(3)(A) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(A)) is amended to read as follows:

''(A)(i) evaluate the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities; and

''(ii) rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;''.

(2) REVIEW OF EVALUATION AND RATING PROCESS.—(A) After 3 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) in determining the relative performance of programs of sea grant colleges and sea grant institutes;

(ii) to evaluate whether the sea grant programs have improved as a result of the evaluation process; and

(iii) to make appropriate recommendations to improve the overall effectiveness of the evaluation process.

(B) The National Academy of Sciences shall submit a report to the Congress on the findings and recommendations of the panel under subparagraph (A) by not later than 4 years after the date of the enactment of this Act.

(c) ALLOCATION OF FUNDING.—Section 204(d)(3)(B) of the National Sea Grant College Program Act (33 U.S.C. 1123(d)(3)(B)) is amended by striking ''and'' after the semicolon at the end of clause (ii) and by adding at the end the following:

''(iv) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and''.

SEC. 4. COST SHARE.

Section 205(a) of the National Sea Grant College Program Act (33 U.S.C. 1124(a)) is amended by striking ''section 204(d)(6)'' and inserting ''section 204(c)(4)(F)''.

SEC. 5. FELLOWSHIPS.

(a) ENSURING EQUAL ACCESS.—Section 208(a) of the National Sea Grant College Program Act (33 U.S.C. 1127(a)) is amended by adding at the end the following: ''The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program

carried out under this subsection, and the results of such efforts.''.

(b) POSTDOCTORAL FELLOWS.—Section 208(c) of the National Sea Grant College Program Act (33 U.S.C. 1127(c)) is repealed.

SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW PANEL.

Section 209(c)(2) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(2)) is amended by striking the first sentence and inserting the following: ''The term of office of a voting member of the panel shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the panel appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subsections (a), (b), and (c) of section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) are amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

''(A) $60,000,000 for fiscal year 2003;

''(B) $75,000,000 for fiscal year 2004;

''(C) $77,500,000 for fiscal year 2005;

''(D) $80,000,000 for fiscal year 2006;

''(E) $82,500,000 for fiscal year 2007; and

''(F) $85,000,000 for fiscal year 2008.

''(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2003 through 2008—

''(A) $5,000,000 for competitive grants for university research on the biology and control of zebra mussels and other important aquatic nonnative species;

''(B) $5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;

''(C) $5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms, including Pfiesteria piscicida; and

''(D) $3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

''(b) LIMITATIONS.—

''(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

''(A) the amount authorized to be appropriated under this title for the fiscal year; or

''(B) the amount appropriated under this title for the fiscal year.

''(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea Grant Office, for any other Administration or department program, or for any other administrative expenses.

''(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

''(1) sea grant programs, according to their rating under section 204(d)(3)(A);

''(2) national strategic investments authorized under section 204(b)(4);

''(3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute;

''(4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).''.

SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DESIGNATED AS SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207 of the National Sea Grant College Program Act (16 U.S.C. 1126) is amended by adding at the end the following:

''(e) ANNUAL REPORT ON PROGRESS.—

''(1) REPORT REQUIREMENT.—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

''(2) TERRITORIES AND FREELY ASSOCIATED STATES.—The report shall include description of—

''(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

''(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

''(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).''.

SEC. 9. COORDINATION.

Not later than February 15 of each year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the National Science Foundation shall jointly submit to the Committees on Resources and Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on how the oceans and coastal research activities of the National Oceanic and Atmospheric Administration, including the Coastal Ocean Program and the National Sea Grant College Program, and of the National Science Foundation will be coordinated during the fiscal year following the fiscal year in which the report is submitted. The report shall describe in detail any overlapping ocean and coastal research interests between the agencies and specify how much research interests will be pursued by the programs in a complementary manner:

The bill (H.R. 3389), as amended, was read the third time and passed.

EXECUTIVE SESSION

NOMINATION PLACED ON EXECUTIVE CALENDAR—NANCY PELLETT

Mr. REID. On behalf of Senator HARKIN, I ask unanimous consent the Senate proceed to executive session and that the nomination of Nancy Pellett, to be a member of the Farm Credit Administration Board, be discharged from the Agriculture Committee and be placed on the Executive Calendar, and that the Senate return to legislative session without any intervening action.

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

LEGISLATIVE SESSION

UNANIMOUS CONSENT AGREEMENT—H.R. 3295

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, October 15, at 11 a.m., the Senate proceed to the conference report to accompany H.R. 3295, the election reform legislation; this would be under the provisions of the previous order; and that, upon conclusion of the debate on Tuesday, the conference report be set aside to recur on Wednesday at 2:15 p.m., at which time there will be an additional 20 minutes equally divided and controlled between the chairman and ranking member of the Rules Committee; and that upon the use of that time, without further intervening action or debate, the Senate proceed to vote on adoption of the conference report.

Further, that immediately following the vote on the adoption of the conference report accompanying H.R. 3295, the Senate then proceed to the conference report to accompany H.R. 5010, the Department of Defense appropriations bill; that there be 15 minutes for debate divided as follows: 5 minutes for Senator INOUYE, 5 minutes for Senator STEVENS, 5 minutes for Senator WELLSTONE; and that upon the use or yielding back of that time, with no intervening action or debate, the Senate proceed to vote on adoption of that conference report.

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

COMMITTEE ON APPROPRIATIONS REPORTING THIRTEEN APPROPRIATIONS BILLS BY JULY 31, 2002

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 506, S. Res. 304, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to a close the debate on the motion to proceed to Calendar No. 506, S. Res. 304, a resolution encouraging the Senate Appropriations Committee to report 13 fiscally responsible, bipartisan appropriations bills:

Harry Reid, Byron L. Dorgan, Joseph Lieberman, Barbara Boxer, Jean Carnahan, Jeff Bingaman, Daniel K. Akaka, Jim Jeffords, Kent Conrad, Blanche L. Lincoln, Ron

Wyden, Ernest F. Hollings, Mary Landrieu, Jon Corzine, Jack Reed, Richard J. Durbin, John Edwards.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

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

Mr. REID. I now withdraw that motion.

The PRESIDING OFFICER. The Senator has that right.

ORDERS FOR TUESDAY, OCTOBER 15, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, October 15, 2002; that following the prayer and pledge the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority leader or his designee, and the second half under the control of the Republican leader or his designee; that at 11 a.m. the Senate begin consideration of the conference report to accompany H.R. 3295, the Election Reform Act, under the previous order; and, further, that the cloture vote on the motion to proceed to S. Res. 304 occur on Wednesday, October 16, at 12 noon.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Tuesday. The next rollcall vote will occur on Wednesday, October 16, at 12 noon. That will be on the cloture motion to proceed to S. Res. 304.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 15, 2002 AT 10 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate—which I hope there isn't—I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:44 a.m., adjourned until Tuesday, October, 15, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 10, 2002:

DEPARTMENT OF STATE

J. COFER BLACK, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE FRANCIS XAVIER TAYLOR.

THE JUDICIARY

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CARLOS R. MORENO, RESIGNED.

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE JULIA SMITH GIBBONS, ELEVATED.

THOMAS A. VARLAN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE ROBERT LEON JORDAN, RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HENRY GLASSIE.

STEPHAN THERNSTROM, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE ARTHUR I. BLAUSTEIN, TERM EXPIRED.

MARGUERITE SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN FORD WILTSHIRE, TERM EXPIRED.

LAWRENCE OKAMURA, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE DORIS B. HOLLEB, TERM EXPIRED.

SIDNEY MCPHEE, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE MARGARET P. DUCKETT, TERM EXPIRED.

STEPHEN MCNIGHT, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ISABEL CARTER STEWART.

ELIZABETH FOX-GENOVESE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE LORRAINE WEISS FRANK, TERM EXPIRED.

DARIO FERNANDEZ-MORERA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE SUSAN E. TREES, TERM EXPIRED.

JEWEL SPEARS BROOKER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE PEGGY WHITMAN PRENSHAW, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GLEN W. MOOREHEAD III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUDY A ABBOTT, 0000
JOEL N ABRAMOVITZ, 0000
ALEXANDRA L ACCARDI, 0000
ROBERT D AKERSON, 0000
ANTONIO R BALUGA JR., 0000
DAVID J BARILLO, 0000
JAMES B BORDEN, 0000
DANIEL BOUCHETTE, 0000
HOWARD R BROMLEY, 0000
PATRICK F BROPHY, 0000
PATRICK J CAHILL, 0000
PETER A CARDINAL, 0000
WILLIAM G CAREY, 0000
ANTONIO CORTESSANCHEZ, 0000
MICHAEL W CRUZ, 0000
JANE L CURTIS, 0000
REGINA M CURTIS, 0000
MARK A DENNER, 0000
JUAN J DEROJAS, 0000
LUIS M DIAZBARRIOS, 0000
MATTHEW E DUBAN, 0000
ALBERT B DUNCAN, 0000
JARED E FLORANCE, 0000
JEFFREY F FULLENKAMP, 0000
RICHARD GONZALEZ, 0000
WAVELL C HODGE, 0000
EDMUND H HORNSTEIN, 0000
MARK C HUDSON, 0000
BETH KURTZMAZYCK, 0000
DONALD H LOEBL, 0000
JOHN S LOOPER, 0000
RONDA F LUCE, 0000
LILIAN I LUSTMAN, 0000
CLYDE E MARKON, 0000
AIZENHAWAR J MARROGI, 0000
ANTHONY E MARTIN, 0000
HAROLD L MARTIN, 0000
DOUGLAS S MCFARLANE, 0000
LISA A MCPEAK, 0000
CLARK A MORRES, 0000
MICHAEL P MOURI, 0000
KEVIN P MURPHY, 0000
FREDDIE A NAZARIOALMODOVAR, 0000
ATTILIO G NEGRO, 0000
MARGARET R H NUSBAUM, 0000
CRAIG M ONO, 0000
DONNA M PERISEE, 0000
DAVID D PERKINS, 0000
JOHN D PITCHER JR., 0000
JAMES C POST, 0000
AWILDA I RAMOS, 0000
MATTHEW J REARDON, 0000
JUDE T ROUSSERE, 0000
AURORA M SARINAS, 0000
MARK F SHERIDAN, 0000
FRANK S SHERMAN, 0000
PRAVINA B SHETH, 0000
THOMAS M STEIN, 0000
JAY F SULLIVAN, 0000
JOHN R TICEHURST, 0000
LISA M TOEPP, 0000
EDWARD TRUDO JR., 0000
WILLIAM E TYNDALL, 0000
ANNE B WARWICK, 0000
JAMES S WEISENSEE, 0000
DUANE V WILKINS, 0000
JOHN M WING, 0000
BENNIE B WRIGHT JR., 0000
TERRY D YEAGER, 0000
SIMON M YU, 0000
DENNIS C ZACHARY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSE ALAMOCARRASQUILLO, 0000
JOSEPH H BOWERS, 0000
TERRY G BOX, 0000
JODIE A BUEHLER, 0000
RONALD J BURKHOLDER, 0000
STEVEN F BURMASTER, 0000
JEFFREY T BURTON, 0000
THOMAS P CASEY, 0000
JOSE J CASTILLO, 0000
WILLIAM J CONNOR JR., 0000
ROBIN K DARLING, 0000
EDWARD F FREDERICK JR., 0000
MICHAEL E GILBERT, 0000
MONTE F GRANDGEORGE, 0000
GEORGE P GREEN, 0000
MARC C HENDLER, 0000
MARK A HENDRIX, 0000
WILLIAM L HOON, 0000
TAKESHI G ICHIKAWA, 0000
WILLIAM IRVING, 0000
ARIEL JUSINOCORDOVA, 0000
ABEN A KASLOW, 0000
DWIGHT H KELLER, 0000
JAMES R KIMMELMAN, 0000
JOHNNIE L KNIGHT, 0000
MARY A LICKING, 0000
RICHARD M LOFTHOUSE, 0000
FRANK D MARCANTONIO, 0000
ROBERT C METTE, 0000
JAMES W MINEKIME, 0000
MARK S MORELOCK, 0000
TIMOTHY P NARY, 0000
GAYLE A OWENS, 0000
THOMAS J PFAU, 0000
JAMES D RITCHIE, 0000
FRANK M SAWYER, 0000
JON A SHNEIDMAN, 0000
JASON E SHOWMAN, 0000
ROGER E SIENKIEWICZ, 0000
EDWARD J SITTLER JR., 0000
TOBIN J STRUPP, 0000
JOHN W SUMMERS, 0000
PETER M TAN, 0000
ELLIS B THIGPEN, 0000
JOSEPH L THOMAN, 0000
RUSSELL B TIMMS, 0000
GABRIELLE V VALENTI, 0000
MATTHEW L ZIZMOR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR L ARNOLD JR., 0000
MICHAEL BABICH, 0000
ARTHUR W BEAN, 0000
MICHAEL J BRIDGEWATER, 0000
SANDRA H BURCH, 0000
WILLIAM W BURGIN III, 0000
RICHARD M CARNEVALE, 0000
BRYAN E CLEMENTS, 0000
ROBERT M CODY, 0000
BRUCE V CORSINO, 0000
DANIEL J CRAWFORD, 0000
FLOYD C DEVENBECK III, 0000
JOHN J DONNELLY III, 0000
DAVID L FENELL, 0000
ANTHONY M FLOOD, 0000
FAITH A S FRANK, 0000
ROBERT R FREEMAN, 0000
RONALD W GADSDEN, 0000
CLINTON B GIVEN, 0000
WILLIAM R GOWER, JR., 0000
JOHN W HALL III, 0000
DON R HARRIS, 0000
GARY L HOWE, 0000
SUSAN M JONES, 0000
WALTER L JONES, 0000
EILEEN P KELLY, 0000
DEBORAH A KELLYHOEHN, 0000
RICHARD B LAKES, 0000
JAY D LANE, 0000
DENNIS B LATIMER, 0000
SAMUEL H MAKRIS, 0000
LESTER K MCGILVRAY, 0000
LINWOOD MOORE, 0000
IGWEKALA E NJOKU, 0000
DANIEL T OBRIEN, 0000
DENNIS T SEKINE, 0000
RUSSELL F SHEARER, 0000

DAVID L SMALLEY, 0000
LAWRENCE R SUDDENDORF, 0000
JOSEPH TORRES JR., 0000
WILLIAM B UROSEVICH, 0000
MARK S VAJCOVEC, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ADRINE S ADAMS, 0000
REBECCA D BAKER, 0000
ANNA J BREWSTER, 0000
AVIS C BUCHANAN, 0000
EILEEN V CAULFIELD, 0000
LEANNE L CHABIOR, 0000
NANCY L CLARK, 0000
MARGARET L CLIFTON, 0000
THOMAS COOK, 0000
ALBERT B COONEY, 0000
EDNA B DAVIS, 0000
LYNN C DENOOYER, 0000
KAREN L DORN, 0000
MARY FRANKEN, 0000
JANET L FREUDENRICH, 0000
ELIZABETH A GAUDET, 0000
PEGGY J HENGEVELD, 0000
CHRISTINE L INGLE, 0000
LUCILLE T IRBY, 0000
CHERYL L W JACKSON, 0000
JUDITH A KEMPER, 0000
SHIRLEY C KYLES, 0000
COLLEEN K MALL, 0000
VERDELL MARSH, 0000
ADDIE M MORRIS, 0000
JEFFREY D MORRIS, 0000
TERESA G PARKER, 0000
SUSAN M PONTIUS, 0000
CHERYL A PRESTIANNI, 0000
SANDRA L PUFAL, 0000
FLORESITA C QUARTO, 0000
SHARON A SINGLETON, 0000
FRANCES I SNELL, 0000
ALLEN R STURDEVANT, 0000
ELSA M TORRES, 0000
JUDITH L TRACY, 0000
WAYNE M VANHAMME, 0000
SARAH L WALLACE, 0000
ANDREA J WALLEN, 0000
NORMA J WILSON, 0000
MARYELLEN YACKA, 0000

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 114, Authorization for the Use of Military Force Against Iraq.

Senate passed H.J. Res. 122, Continuing Appropriations for fiscal year 2002.

Senate agreed to the conference report on H.R. 5011, Military Construction Appropriations Act.

The House passed H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq.

The House agreed to the conference report on H.R. 5010, Department of Defense Appropriations.

The House agreed to the conference report on H.R. 5011, Military Construction Appropriations.

The House passed H.J. Res. 122, making further continuing appropriations through October 18.

The House agreed to the conference report on H.R. 3295, Help America Vote Act.

Senate

Chamber Action

Routine Proceedings, pages S10233–S10400

Measures Introduced: Twenty-two bills and three resolutions were introduced, as follows: S. 3089–3110, S. Res. 338–339, and S. Con. Res. 152. **Pages S10359–60**

Measures Reported:

S. 2951, to authorize appropriations for the Federal Aviation Administration. (S. Rept. No. 107–309)

H.R. 2486, to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement. (S. Rept. No. 107–310)

S. 2950, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, with amendments. (S. Rept. No. 107–311)

S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, with an amendment in the nature of a substitute.

S. 3054, to provide for full voting representation in Congress for the citizens of the District of Columbia. **Page S10359**

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 122, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President. **Page S10395**

Patsy Mink Recognition: Senate passed H.J. Res. 113, recognizing the contributions of Patsy Takemoto Mink, clearing the measure for the President. **Page S10395**

S.S. Henry Bacon Crew Recognition: Senate agreed to H. Con. Res. 411, recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a

United States Liberty ship that was sunk on February 23, 1945. **Page S10397**

National Sea Grant College Program Act Amendments: Senate passed H.R. 3389, to reauthorize the National Sea Grant College Program Act, after agreeing to the following amendment proposed thereto:

Reid (for Kerry) Amendment No. 4878, in the nature of a substitute. **Pages S10397–98**

Iraq Resolution: By 77 yeas to 23 nays (Vote No. 237), Senate passed H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq, clearing the measure for the President. **Page S10342**

Further Resolution on Iraq: Senate completed consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq, taking action on the following amendments proposed thereto: **Pages S10233–72**

Adopted:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute. **Pages S10237–43**

Rejected:

By 31 yeas to 66 nays (Vote No. 232), Byrd Modified Amendment No. 4869, to provide a termination date for the authorization of the use of the Armed Forces of the United States, together with procedures for the extension of such date unless Congress disapproves the extension. **Pages S10233–37**

By 14 yeas to 86 nays (Vote No. 234), Byrd Amendment No. 4868 (to Amendment No. 4856, as modified), to provide statutory construction that constitutional authorities remain unaffected and that no additional grant of authority is made to the President not directly related to the existing threat posed by Iraq. **Pages S10243–50**

By 24 yeas to 75 nays (Vote No. 235), Levin Amendment No. 4862 (to Amendment No. 4856), in the nature of a substitute. **Pages S10250–64**

By 30 yeas to 70 nays (Vote No. 236), Durbin Amendment No. 4865 (to Amendment No. 4586), to amend the authorization for the use of the Armed Forces to cover an imminent threat posed by Iraq's weapons of mass destruction rather than the continuing threat posed by Iraq. **Pages S10265–72**

During consideration of this measure, Senate also took the following action:

By 75 yeas to 25 nays (Vote No. 233), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute. **Page S10243**

By unanimous-consent, the cloture vote on the joint resolution was vitiated. **Page S10272**

By unanimous-consent, S.J. Res. 45, as amended, was indefinitely postponed. **Page S10243**

Reporting of Appropriations Bill: Senate began consideration of the motion to proceed to consideration of S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002, on Wednesday, October 16, 2002. **Page S10398**

A motion was entered to close further debate on the motion to proceed to consideration of the resolution and, in accordance with Rule XXII of the Standing Rules of the Senate, a cloture vote will occur at 12 noon, on Wednesday, October 16, 2002. **Pages S10398–99**

Subsequently, the motion to proceed was withdrawn. **Page S10399**

Military Construction—Conference Report: Senate agreed to the conference report on 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, clearing the measure for the President. **Pages S10396–97**

Election Reform Conference Report Agreement: A unanimous-consent agreement was reached providing for consideration of the conference report on H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, at 11 a.m., on Tuesday, October 15, 2002, and continue at 2:15 p.m., on Wednesday, October 16, 2002, with a vote to occur on adoption of the conference report. **Pages S10398–99**

Defense Appropriations Conference Report Agreement: A unanimous-consent agreement was reached providing for consideration of the conference report on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, on Wednesday, September 16, 2002, with a vote to occur on adoption of the conference report.

Nomination Placed on Calendar: The following nomination was discharged from the Committee on Agriculture, Nutrition, and Forestry and was placed on the Executive Calendar:

Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board. **Page S10398**

Nominations Received: Senate received the following nominations:

J. Cofer Black, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio.

J. Daniel Breen, of Tennessee, to be United States District Judge for the Western District of Tennessee.

Thomas A. Varlan, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Stephan Thernstrom, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Marguerite Sullivan, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Lawrence Okamura, of Missouri, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Sidney McPhee, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Stephen McNight, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Elizabeth Fox-Genovese, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Dario Fernandez-Morera, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

Jewel Spears Brooker, of Florida, to be a Member of the National Council on the Humanities for a term expiring January 26, 2008.

1 Air Force nomination in the rank of general.

Routine lists in the Army. **Pages S10399–S10400**

Messages From the House: **Page S10356**

Measures Placed on Calendar: **Page S10395**

Measures Read First Time: **Pages S10395–96**

Executive Communications: **Pages S10356–59**

Additional Cosponsors: **Pages S10360–61**

Statements on Introduced Bills/Resolutions: **Page S10361**

Additional Statements: **Pages S10351–56**

Amendments Submitted: **Page S10390**

Authority for Committees to Meet: **Page S10395**

Privilege of the Floor: **Page S10395**

Record Votes: Six record votes were taken today. (Total—237)

Pages S10237, S10243, S10250, S10264, S10272, S10342

Adjournment: Senate met at 9:15 a.m., and adjourned at 1:44 a.m., on Friday, October 11, 2002, until 10 a.m., on Tuesday, October 15, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10399).

Committee Meetings

(Committees not listed did not meet)

SHIPBOARD HAZARD AND DEFENSE TESTS

Committee on Armed Services: Committee concluded hearings to examine the Department of Defense's inquiry into Project 112 (a chemical and biological warfare testing program management initiative) and Shipboard Hazard and Defense (SHAD) tests, after receiving testimony from Representative Mike Thompson; William Winkenwerder, Jr., Assistant Secretary for Health Affairs, and Michael E. Kilpatrick, Deputy Director for Deployment Health Support Directorate, both of the Department of Defense; Robert J. Epley, Associate Deputy Under Secretary for Policy and Program Management, and Kenneth C. Hyams, Chief Consultant, Occupational and Environmental State Healthcare Group, both of the Department of Veterans Affairs; LCDR Jack B. Alderson, USNR (Ret.), Eureka, California; Robert W. Bates, Vancouver, Washington; and George J. Brocklebank, Palm Beach Gardens, Florida.

BAY MILLS INDIAN COMMUNITY LAND CLAIM SETTLEMENT ACT

Committee on Indian Affairs: Committee concluded hearings on S. 2986, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, Michigan, after receiving testimony from Senator Stabenow; Representatives Stupak and Bonior; Aurene M. Martin, Deputy Assistant Secretary of the Interior for Indian Affairs; R. Lance Boldrey, Office of Michigan Governor John Engler, Lansing; L. John Lufkins, Bay Mills Indian Community, Brimley, Michigan; Bernard Bouschor, Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, Michigan; and George Bennett, Grand Traverse Band Tribal Council, Peshawbestown, Michigan, on behalf of the Grand Traverse Band of Ottawa and Chippewa Indians.

House of Representatives

Chamber Action

Measures Introduced: 46 public bills, H.R. 5596–5641; and 10 resolutions, H.J. Res. 121–122; H. Con. Res. 508–510, and H. Res. 580–584, were introduced. **Pages H7892–H7894**

Reports Filed: Reports were filed today as follows:

Revised Suballocation of Budget Allocations for Fiscal Year 2003 (H. Rept. 107–738);

H. Res. 580, providing for consideration of H.J. Res. 122, making further continuing appropriations for the fiscal year 2003, (H. Rept. 107–739); and

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 (H. Rept. 107–740). **Page H7892**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Won Sang Lee, the Korean Central Presbyterian Church of Vienna, Virginia. **Page H7739**

Use of Force Against Iraq: The House passed H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq (H. Rept. 721) by a yea and nay vote of 296 yeas to 133 nays, Roll No. 455. The joint resolution was also considered on Oct. 8 and Oct. 9. **Pages H7739–99**

Rejected the Kucinich motion that sought to recommit the joint resolution to the Committee on International Relations with instructions to report it back to the House forthwith with an amendment that requires a report form the President that includes estimates of costs associated with military action against Iraq before action is taken by a yea and nay vote of 101 yeas to 325 nays, Roll No. 454. **Pages H7796–99**

Rejected:

Lee amendment in the nature of a substitute no. 1 and printed in H. Rept. 107–724 that sought to have the United States work through the United Nations to resolve the matter of ensuring that Iraq is not developing weapons of mass destruction through weapons inspections, negotiations, and other peaceful means (rejected by a yea and nay vote of 72 yeas to 355 nays, Roll No. 452; and **Pages H7739–51**

Spratt amendment in the nature of a substitute no. 2 and printed in H. Rept. 107–724 that sought to authorize the President to use U.S. 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 (rejected by a yea and nay vote of 155 yeas to 270 nays, Roll No. 453. **Pages H7769–51**

H. Res. 574, the rule that is providing for the consideration of the joint resolution was agreed to on Oct. 8.

DOD Appropriations Conference Report: The House agreed to the conference report on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003 by a yea and nay vote of 409 yeas to 14 nays, Roll No. 457. **Pages H7799–H7812**

Agreed to H. Res. 579, the rule waiving points of order against the conference report by a yea and nay vote of 374 yeas to 37 nays, Roll No. 456. **Pages H7799–H7802**

Military Construction Appropriations Conference Report: The House agreed to the conference report on 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 by a yea and nay vote of 419 yeas with none voting nay, Roll No. 458. **Pages H7812–18**

H. Res. 578, the rule that waived points of order against the conference report was agreed to by voice vote. **Pages H7812–13**

Making Further Continuing Appropriations Through Oct. 18: The House passed H.J. Res. 122, making further continuing appropriations for the fiscal year 2003, by a recorded vote of 272 ayes to 144 noes, Roll No. 461. **Pages H7812, H7818–36**

Rejected the Obey motion that sought to recommit the joint resolution to the Committee on Appropriations with instructions to report it back to the House forthwith with an amendment that continues appropriations through October 12, 2002 by a yea and nay vote of 202 yeas to 214 nays, Roll No. 460. **Page H7835**

Pursuant to the rule as amended, the amendment to the joint resolution to continue appropriations through October 18, 2002 was considered as adopted. **Page H7834**

H. Res. 580, the rule that provided for consideration of the joint resolution was agreed to by a yea and nay vote of 225 yeas to 193 nays, Roll No. 459. Earlier, agreed to the Hastings of Washington amendment in the nature of a substitute that included an amendment to H.J. Res. 122. **Page H7825**

Motions to Instruct Conferees—SAFE Act: Representative Waxman informed the House of his intention to offer motions to instruct conferees on

H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, to reject provisions that limit the liability of a responsible party for the contamination of groundwater with a fuel or fuel additive and to instruct conferees to reject provisions that mandate the use of ethanol in gasoline. **Page H7836**

Help America Vote Act: The House agreed to the conference report on 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, by a yea and nay vote of 357 yeas to 48 nays, Roll No. 462. **Pages H7836–54**

Without objection, the House insisted on its disagreement to the amendment of the Senate to the title. And, the House agreed to H. Con. Res. 508, resolving all disagreements between the House of Representatives and Senate with respect to H.R. 3295. **Page H7854**

The bill was considered pursuant to the order of the House of Oct. 9.

Motion to Instruct Conferees—Bob Stump National Defense Authorization Act for Fiscal Year 2003: By a recorded vote of 391 ayes with none voting "no", Roll No. 463, the House agreed to the Taylor of Mississippi motion to instruct conferees on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, 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). **Pages H7854–59**

Legislative Program: The Majority Leader announced the Legislative Program for the week of October 14. **Page H7859**

Combined Consideration of Measures: The Chair entertained the following combined request under the Speaker's guidelines as recorded on page 712 of the manual with assurances that it had been cleared by the bipartisan floor and all Committee leaderships. The Majority Leader asked unanimous consent and it was subsequently agreed to that the House:

1. Be considered to have discharged from Committee and passed H.R. 5316, National Forest Organizational Camp Fee Improvement; H.R. 5574, Michael Lee Woodcock Post Office, Glennville, Georgia; H.R. 5361, Floyd Spence Post Office Building, Lexington, South Carolina; H.R. 5439, Delbert L. Latta Post Office Building, Bowling Green, Ohio; S. 2558, Benign Brain Tumor Cancer Registries Amendment Act—clearing the measure for the President; H.R. 5349, Boys and Girls Club Use of Former O'Reilly General Hospital in Springfield, Missouri; H.R 5598, Federal Education Research, Statistics, Evaluation, Information, and Dissemination Improvement; H.R. 5601, Child Abuse Prevention and Treatment Act Reauthorization; H.R. 670, Bruce F. Cotta Post Office Building, Newport, Rhode Island; H.R. 669, Alphonse F. Auclair Post Office Building, Woonsocket, Rhode Island; and H.R. 5205, Permitting estimated amounts for longevity component of the Federal benefit payment to certain retirees of the Metropolitan Police Department of the District of Columbia; **Pages H7859–83**

2. Be considered to have discharged from Committee and agreed to H. Con. Res. 406, Honoring the Lao Veterans of America and Laotian and Hmong Veterans of the Vietnam War and their families; H. Res. 542, Congratulating the Bryan Packers of West Point, Mississippi for winning the 2002 American Legion World Series; H. Res. 572, Honoring the 225th Anniversary of the Signing of the Articles of Confederation; H. Con. Res. 504, Congratulating the PONY League baseball team of Norwalk, California for winning the 2002 PONY League World Championship; H. Res. 532, Commending the Los Angeles Sparks basketball team for winning the 2002 Women's National Basketball Association Championship; H. Res. 571, Honoring the life of David O. "Doc" Cooke, the "Mayor of the Pentagon"; and H. Con. Res. 467, Honoring Lionel Hampton and His Contributions to American Music; **Pages H7883–85**

3. Be considered to have discharged from Committee, amended, and agreed to: H. Res. 410, Human Rights Violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives; H. Con. Res. 486, Support for the Establishment of a Pancreatic Cancer Awareness Month; and H. Con. Res. 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, in the respective forms placed at the desk; **Pages H7885–86**

4. Be considered to have amended and passed H.R. 5400, agreement between the Government of the United States and Mexico concerning the Border Environment Cooperation Commission and North American Development Bank; by the committee amendment placed at the desk; and **Pages H7886–87**

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. **Page H7887**

Meeting Hour—Friday, Oct. 11: Agreed that when the House adjourns today it adjourn to meet at 10 a.m. on Friday, Oct. 11. **Page H7887**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Oct. 16. **Page H7887**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida to sign enrolled bills and joint resolutions through October 15. **Page H7887**

Quorum Calls—Votes: Ten yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H7751, H7769, H7798, H7799, H7801–02, H7811–12, H7817–18, H7825, H7835, H7835–36, H7853–54 and H7858–59. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:58 p.m.

Committee Meetings

SECURITY—U.S. EMBASSIES ABROAD

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on the Security of U.S. Embassies Abroad and the Role of the Department of Defense. Testimony was heard from Ray Williams, Deputy Assistant Secretary, Countermeasures and Information Security, Bureau of Diplomatic Security, Department of State; and Brig. Gen. Douglas O'Dell, USMCR, Commanding General, 4th Marine Expeditionary Brigade (Anti-Terrorism), U.S. Marine Corps.

ImCLONE CANCER—DRUG STORY

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled ''An Inquiry into the ImClone Cancer-Drug Story.'' Testimony was heard from Lester M. Crawford, Deputy Commissioner, FDA, Department of Health and Human Services; and public witnesses.

EXECUTIVE LIFE INSURANCE COMPANY COLLAPSE—IMPACT ON POLICYHOLDERS

Committee on Government Reform: Held a hearing on ''The Collapse of Executive Life Insurance Company and its Impact on Policyholders.'' Testimony was heard from Steven J. Green, Deputy Insurance Commissioner, State of California; James Corcoran, former Insurance Commissioner, State of New York; and public witnesses.

PERSIAN GULF WAR VETERANS ILLNESSES

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs and International Relations met to insert in the record a session held in the House of Commons, United Kingdom on Research Into Persian Gulf War Veterans Illnesses.

GUATEMALA AND DOMINICAN REPUBLIC—DEMOCRATIC STABILITY THREATS

Committee on International Relations: Subcommittee on Western Hemisphere, hearing on Drug Corruption and Other Threats to Democratic Stability in Guatemala and the Dominican Republic. Testimony was heard from the following officials of the Department of State: Otto J. Reich, Assistant Secretary, Bureau of Western Hemisphere Affairs; Adolfo Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, AID; and Paul Simons, Acting Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs; Roger Guevara, Chief of Operations, DEA, Department of Justice; and a public witness.

OVERSIGHT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on ''A Judicial Diminished is Justice Denied: the Constitution, the Senate, and the Vacancy Crisis in the Federal Judiciary.'' Testimony was heard from public witnesses.

REDUCING AMERICANS' VULNERABILITY TO ECSTACY ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 5519, Reducing Americans' Vulnerability to Ecstacy Act of 2002. Testimony was heard from Asa Hutchinson, Administrator, DEA, Department of Justice; Andrea Craparotta, Investigator, Middlesex County Prosecutor's Office, State of New Jersey; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on the following bills: H.R. 5102, Wildfire Response Act of 2002; H.R. 5185, Wildlife Response Enhancement Act; and

H.R. 5513, to authorize and direct the exchange of certain land in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership. Testimony was heard from Representatives Hayworth and Gallegly; Tom L. Thompson, Deputy Chief, National Forest System, USDA; Larry Hamilton, Director, Fire and Aviation, Bureau of Land Management, Department of the Interior; and public witnesses.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate on H.J. Res. 122, making further continuing appropriations for the fiscal year 2003. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit. Testimony was heard from Chairman Young and Representative Obey.

CONDUCTING RESEARCH DURING WAR ON TERRORISM

Committee on Science: Held a hearing on Conducting Research During the War on Terrorism: Balancing Openness and Security. Testimony was heard from John H. Marburger, III, Director, Office of Science and Technology Policy; and public witnesses.

OVERSIGHT—WEST NILE VIRUS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on West Nile Virus: the Clean Water Act and Mosquito Control. Testimony was heard from Roger Nasci, Research Entomologist, National Center for Infectious Diseases, Centers for Disease Control and Prevention, Department of Health and Human Services; Benjamin H. Grumbles, Deputy Assistant Administrator, Water, EPA; and public witnesses.

Joint Meetings

Joint Hearing: Senate Select Committee on Intelligence continued joint hearings, in closed session, with the House Permanent Select Committee on Intelligence to examine activities of the United States Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, receiving testimony from officials of the intelligence community.

Hearings recessed subject to call.

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Commission on Security and Cooperation in Europe (Helsinki Commission): Committee concluded hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe, after receiving testimony from A. Elizabeth Jones, Assistant Secretary for European and Eurasian Affairs, and Lorne W. Craner, Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State; Catherine A. Fitzpatrick, International League for Human Rights, New York, New York; Elizabeth Andersen, Human Rights Watch, Washington, D.C.; and Robert Templer, International Crisis Group, Brussels, Belgium.

INTELLIGENCE AUTHORIZATION ACT

Conferees, met to resolve the differences on the Senate and House passed versions of H.R. 4628, to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, but did not complete action thereon, and recessed subject to the call.

APPROPRIATIONS—DEFENSE

Conferees, on Wednesday, October 9, agreed to file a conference report on, the differences between the Senate and House passed versions of H.R. 5010, to authorize appropriations for the Department of Defense for the fiscal year ending September 30, 2002.

ELECTION REFORM ACT

Conferees, on Tuesday, October 8, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *of October 4, 2002, p. D1041)*

H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area. Signed on October 9, 2002. (Public Law 107–236)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 11, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to consider pending military nominations, 9 a.m., SR–222.

House

No Committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of October 14 through October 19, 2002

Senate Chamber

On *Monday,* Senate will not be in session.

On *Tuesday,* at 11 a.m., Senate will consider the conference report on H.R. 3295, Election Reform.

On *Wednesday*, at 12 noon, Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002. Also, at 2:15 p.m., Senate will continue consideration of the conference report on H.R. 3295, Election Reform, with a vote to occur thereon; following which, Senate will consider the conference report on H.R. 5010, Department of Defense Appropriations Act, with a vote to occur thereon.

During the balance of the week, Senate expects to consider any other cleared legislative and executive business, including appropriations bills and conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: October 16, Subcommittee on Treasury and General Government, to hold hearings to examine the appropriateness of U.S. companies moving their headquarters to offshore tax havens, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: October 15, Subcommittee on International Trade and Finance, to hold hearings to examine U.S. policy and the role of the international community concerning instability in Latin America, 2:30 p.m., SD–538.

Committee on Foreign Relations: October 15, to hold hearings to examine the nomination of Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, 10:30 a.m., SD–419.

October 16, Full Committee, to hold hearings to examine Angola, 10 a.m., SD–419.

House Chamber

To be announced.

House Committees

Committee on Government Reform, October 17, Subcommittee on the District of Columbia, oversight hearing on Work Plan and Accomplishments of the Criminal Justice Coordinating Council; followed by markup of H.R. 5515, Court Services and Offender Supervision Agency Interstate Supervision Act of 2002, 10 a.m., 2154 Rayburn.

Committee on Veterans' Affairs, October 16, hearing to review the Department of Veterans Affairs report on the National Cemetery system, 1 p.m., 334 Cannon.

Next Meeting of the SENATE

10 a.m., Tuesday, October 15

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will consider the conference report on H.R. 3295, Election Reform, with a vote on adoption of the conference report to occur thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 11

House Chamber

Program for Friday: Pro forma session.

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