

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to be allowed to speak for up to 5 minutes as if in morning business.

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1628 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2691, the Interior appropriations bill, is now before the Senate.

Mr. REID. Mr. President, I am going to send an amendment to the desk. I have spoken with both leaders. I have not spoken with Senator BURNS. I have spoken through his staff to him. I have spoken, of course, to Senator DORGAN. I am sending this amendment to the desk with the understanding that we will not vote on it until after the caucus on Tuesday. The reason for that is this is a very important amendment for this side. We want to make sure we have the opportunity on Tuesday to speak on it, all 49 members of the Democratic caucus, prior to the vote.

## AMENDMENT NO. 1731

(Purpose: To prohibit the use of funds for initiating any new competitive sourcing studies)

Mr. REID. Mr. President, I send an amendment to the desk not only on my behalf but on the behalf of Senators LIEBERMAN, LANDRIEU, KENNEDY, and MURRAY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 1731:

On page 137, between lines 23 and 24, insert the following:

**SEC. 3 . . . COMPETITIVE SOURCING STUDIES.**

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

Mr. REID. Mr. President, this is a very short amendment, but it affects the lives of thousands and thousands of people who work for the Park Service. It affects the lives of every American who enjoys the great resources of our country.

The amendment I sent to the desk will stop this administration from moving forward to privatize our national parks, forest lands, and other public lands. It would nip the administration's ill-conceived privatization plan in the bud.

More specifically, this amendment prohibits the expenditure of funds on new outsourcing studies. These are privatization studies for the agencies funded in this bill. These agencies were created to protect special places in nature as a legacy for future generations. They should be managed for posterity and not managed for profit.

The House of Representatives has agreed that privatization is a bad idea. It included this language in the Interior appropriations bill that passed in July. The Nation's hard-working public servants who care for our forests and parks not only collect fees and maintain parks, but also give directions, fight wildfires, and help injured visitors.

Volunteers who love our public spaces provide tens of thousands of hours of work for these agencies every year. Will contractors receive volunteers? Will there be volunteers for these people who are working for profit in our national resources, our national treasures? It is very unlikely.

While the administration's plan has been marketed as a cost-saving measure, just the opposite is true. Privatization will waste taxpayer dollars. Privatization studies may cost as much as \$8,000 per position studied. This means that next year, the agencies funded in this bill could waste as much as \$26.4 million on these studies, studies for a wrongheaded idea that is bad for our parks, forests, the people who care for them, and the people who visit these parks.

Also, these contractors lack the knowledge of the sites that public servants possess. They are at the sites for one reason: Not people, but profit. I have nothing against profit motive. I think it is great selling cars, books, shoes, clothes—virtually everything. I certainly don't think it is a good idea to privatize our beautiful resources, our national treasures.

At a recreation area in Nevada, a contractor designed metal courtesy docks to be built in an area where temperatures reach up to 120 degrees in the summer. These docks would have burned visitors in the months when the docks were the busiest. The discarded design cost \$21,000 in taxpayer money, and instead of building five courtesy docks as intended, the recreation area only had funding to build two docks.

Nevadans visiting our public places, Americans visiting our public places want professionals enriching their experience by directing them to famous sites and the best-kept secrets of our parks.

These are a few things people have written to me about on this subject. Zephyr Cove, NV, is in the Lake Tahoe region. It surrounds Lake Tahoe. This is not a public employee, but she says:

I'm one small voice, but I'm convinced that privatization of our National Park System would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

She says further:

Many of the Park Service personnel are neighbors and our friends. They care deeply about what they do. Their pay is relatively low for the expertise they have. They do it because they know the value of protecting our parks, wildlife habitats, and environment.

I do not know for sure if the administration's true agenda here is to undermine that commitment to our national parks, forests, and other public lands. I don't know that, but that is what many feel.

An editorial in The Tennessean believes that. Editorializing recently against this plan, the paper had this to say:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

This is an editorial that was written in The Tennessean on August 29, 2003.

We have heard not only from newspapers around the country and people who don't work for the public entities, but we also heard from public custodians of our treasures. I am not going to use their names here, of course. They might somehow be harmed at work.

One public employee writes:

The depth and breadth of loyalty that is inherent to the average [public] employee cannot be contracted out.

And he is absolutely right. The public employees my amendment would honor share a lot in common with Members of this body, our staffs, our police, and others who work here. They, like us, sought their jobs to serve other people and to advance positive goals and ideals. It is that motivation and loyalty that cannot be outsourced no matter how much money we throw at studying it.

The privatizing concept, as set forth in The Tennessean, says it all:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

Loyalty, public service, and dedication to our public lands cannot be outsourced. It cannot be privatized.

I hope people understand these great national parks we have. These are treasures. These national parks are the envy of the world. Nevada is fortunate, but we only have one national park. It is a wonderful place, Great Basin National Park, a very new national park. It is small by national park standards, about 80,000 acres. It has a 13,000-foot mountain on it, Wheeler Peak. It has a glacier. It has the oldest living thing in the world, a bristlecone pine.

These trees are over 5,000 years old. Think about that—trees that started

growing before Christ came to Earth. These trees were around the same time the pyramids came into existence. They are living things at the Great Basin National Park.

In our park, we have the Lehman Caves. Around the turn of the last century, a man who was a cowboy was out riding his horse and he suddenly found himself in a deep underground cavern. The horse, as far as I know, was not injured, but that was the beginning of a great odyssey for people to visit this magnificent part of nature, Lehman Caves, which is now in the Great Basin National Park.

We were fortunate enough a short time ago to be present at that facility when they dedicated the new visitors center. It is in a remote part of the State of Nevada, but it is a place that people from all over the world travel to because of its uniqueness.

Great Basin is only one of our many national parks. I was in Montana and Wyoming recently. I had the good fortune, after these many years, to once again visit Yellowstone National Park. I was only able to spend a couple of hours there, but it was a great experience.

I first went there shortly after my wife and I returned from law school in Washington. We traveled from Las Vegas on one of the first vacations we ever took. We could have gone anywhere our small budget at that time would handle, but we drove from Las Vegas to Yellowstone. I still look back with great awe at Old Faithful and the many other things we were able to see, the buffalos and other animals. So when I returned there, even though it was only for a few hours, the place I wanted to go visit again was Old Faithful.

Old Faithful spewed a few times during the time I was there. We took a walk through Geyser Park. We saw buffalo lying right near the geysers. The reason these great animals come and lie down near these spewing geysers is that, to a great extent, they keep the pests off themselves by doing so.

Even though I was there just a short time, it was wonderful again, after 25 years, to reflect back on my little children when they were tiny going there and visiting that park.

This experience I had was magnified on both occasions by virtue of the people who work there. They have nothing of which to be ashamed. They are Government employees who have dedicated their lives not to seeing how much money they can make but to being in the great outdoors, being part of nature.

I can remember the woman who took us on our walk through this little Geyser Park. She was an expert. She knew when every geyser was going to spew forth some water. She was able to tell stories about how people first discovered them. She is a woman who makes very little money but is talented, as a person in her position should be.

So on the two occasions I visited Yellowstone, my experiences were so much

better as a result of the people who work there for the Federal Government—park rangers, other park employees.

I hope this Senate will respond overwhelmingly and support this amendment, as was done in the House.

The people who work in these parks are not Democrats. They are not Republicans. In the true sense of the word, this should not be a Democratic amendment. It should be an amendment that is supported by the Senate to protect these faithful employees of the Federal Government.

We are very fortunate in the State of Nevada to have a large presence of the Federal Government. I say fortunate because 87 percent of the land in the State of Nevada is owned by the Federal Government. Only 13 percent of Nevada is owned by individuals; the rest is Government land. The Bureau of Land Management's largest assets are in the State of Nevada.

In addition to the national forests and the park I have described, we have large parts of the State of Nevada, as I have indicated, that are controlled by the Bureau of Land Management. The employees who work for the BLM are just as dedicated as those people who work in our parks.

The forest rangers are also people who work so hard for so little return. I am convinced that if this is put out to the lowest bidder, we are going to have parks that are visited by people who recognize that these people are not there for any purpose other than somebody who got the contract and is trying to make a buck, someone who has gotten minimum-wage employees to get by with as little as possible.

We cannot let this go forward. It is a slap in the face to these loyal, dedicated public servants. It is a slap in the face of the American public. These Federal assets are owned by all of us, and all of us should have a say in how these parks are run. Renting them out to the lowest bidder is not the way to do it.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1732

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1732.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ACQUISITION OF LAND IN NYE COUNTY, NEVADA.**

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1733

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1733.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

**SEC. 3 \_\_\_\_ . CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.**

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking "parcels of land" and all that follows through the period at the end and inserting the following: "parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian."

Mr. REID. Madam President, before I turn the floor over to the distinguished Senator from West Virginia, I would simply like to say that upon completion of the last judge vote today, that means we have approved 151 judges during the little over 2½ years President Bush has been President. I think we

are doing remarkably good work for this President as relates to judges. The count is 151 to 3. That means there have been three judges who have been submitted to us we have not accepted.

President Reagan did not reach 150 judges until well into the fourth year of his first term. The first President Bush did not receive his 150th Federal judge until well into his fourth year. During President Clinton's second term, the term just preceding this administration, he did not appoint his 150th judge until his fourth year. So we are a year and a half—at least a year ahead of Reagan, first President Bush, and the second term of President Clinton.

So we have done extremely well. Senator LEAHY is to be commended for his ability to move these judges in conjunction with the distinguished Senator from Utah, the chairman, Senator HATCH.

The PRESIDING OFFICER. The Senator from West Virginia.

IRAQ

Mr. BYRD. Madam President, I rise today to voice my concern about the disastrous turn which the fortunes of this Nation have taken. The Bush administration, in a scant 2½ years, has imperiled our country in the gravest of ways, and set us up for a possible crisis of mammoth proportions. The crisis may not occur tomorrow in these proportions, or the next day, but it is coming.

Instead of linking arms with a world which offered its heart in sympathy after the brutality of the terrorist attacks in September of 2001, this White House, the Bush White House, through hubris and false bravado, has slapped away the hand of assistance. This administration has insulted our allies and our friends with its bullying and go-it-alone frenzy to attack the nation of Iraq.

In order to justify such an attack, it was decided somewhere in the White House to blur the images of Saddam Hussein and Osama bin Laden. Blurred images notwithstanding, what is becoming increasingly clear to many Americans is that they are going to be asked to carry a heavy, heavy load for a long, long time.

Let me be clear. We are presently engaged in not one war but two wars: The war begun by Osama bin Laden, who attacked this Nation on the September 11, 2001, and then there is the war begun by President George W. Bush when he directed U.S. forces to attack Iraq on March 19, 2003. The first war was thrust upon us. The bombing of Afghanistan was a just retaliation against that attack. The second war, on the other hand, was a war of our choosing. We chose it. It was an unnecessary attack upon a sovereign nation. This President and this administration have tried mightily to convince the people of America that attacking Iraq was critical to protecting them, the people of this country, from terrorism. The case that the administration

makes is false, it is flimsy, and the war, I believe, was unwise and was unnecessary and was without ample justification.

The war against Iraq has crippled the global effort to counter terrorism. The war in Iraq has made a peace agreement between Israel and its adversaries harder to obtain. The obsession with Iraq has served to downplay the resurgence of the Taliban in Afghanistan. The focus on Saddam Hussein has diverted attention from bin Laden, who is apparently still on the loose and threatening to attack again. The war in Iraq has alienated our traditional allies and fractured the cohesive alliance against terrorism which existed after 9/11. It has made the United States appear to the world to be a bellicose invader of another country. It has called our motives into question. It has galvanized the worldwide terrorism movement against us. The war in Iraq has cost us lives and treasure. Yet this President will shortly request \$87 billion more for his ill-fated adventure.

He says we will spend whatever it takes. So he says your money—it is your money. We have heard that many times. It is your money, and he says your money we will spend, whatever it takes.

Prudence dictates that we consider the risks. This Nation has suffered massive job losses amounting to 93,000 in August alone and approximately 600,000 since January of this year. Job losses of this magnitude mean less money coming into the Treasury and more money going out. U.S. manufacturing jobs continue to disappear overseas as companies relocate operations on other shores. There seems to be no end, thus far—there seems to be no end to the job hemorrhage. The manufacturing sector has lost jobs for 37 months in a row. The weak job market threatens to sap our strength from our domestic economy. Should inflation begin to creep up, as some worry that it will, higher energy costs and lower consumer confidence may slow the economy further.

Suppose another massive al-Qaida attack were to occur here at home, killing hundreds or thousands and delivering another devastating blow to the U.S. economy? Could we still afford to continue to send billions of taxpayer dollars to Iraq? At best, our future economic growth is uncertain. There are too many unknowns. Our deficit is growing. When the \$87 billion 2004 Iraq Supplemental is included, as it probably will be, the deficit for 2004 alone is expected to total \$535 billion.

That is \$530 for every minute since Jesus Christ was born. That number will only grow, if we continue to experience massive job losses and the economy takes a turn for the worse.

We can ill afford to finance the rebuilding of Iraq alone. Yet President Bush steadfastly resists doing what it takes to involve the international community.

It should be obvious that we need assistance. The United States cannot

even continue to supply the troops to secure Iraq without more help. A recent Congressional Budget Office study, which I requested, makes it clear that maintaining the level of troops we now have in Iraq will stretch us very thin should something happen in Korea or elsewhere on this troubled globe. Our National Guard is being asked to stay longer and longer in Iraq to help backfill the shortage in regular troops. These are men and women with jobs and families and key roles to play in their own communities. We cannot continue to utilize their skills in Iraq without suffering the consequences at home.

Even now, as a hurricane lurks off our shores, there are worries about shortages of emergency personnel because so many National Guard men and women are serving in Iraq.

But the Bush administration continues to spend our treasure and our troop strength in a single-focus obsession with the fiasco in Iraq. Are we to mortgage the future of our Nation to years of financing this unwise adventure? Surely we cannot ask American families for sacrifice indefinitely, especially when their sacrifices are made to advance a war we do not need to fight, that we ought not to have gone overseas to fight. We chose to attack another country.

We must come to grips with our limits. We must acknowledge risks and reality.

Yet on last Sunday, Vice President CHENEY dug his heels in at the suggestion of rethinking our policy in Iraq. In a television interview, Vice President CHENEY said he saw no reason to “think that the strategy is flawed or needs to be changed.”

He went on to try to convince the American public that Iraq was “the geographic base” for the perpetrators of 9/11. Think of that—a claim that this humble Senator has never heard before, and that flies in the face of U.S. intelligence agencies which repeatedly have said they have found no links—none—between the 9/11 attacks and Saddam Hussein or Iraq. We may come to rue the day when we took our eyes off bin Laden and sapped our energies and our credibility in this quagmire in Iraq. We chose to attack that country. Yet there seems to be no soul searching in this White House about the consequences of this war.

While Bush's aides talk of “generational commitment” and the President talks of “sacrifice,” I wonder if the American people fully comprehend what they are being urged to forego. They have already sacrificed loved ones with 158 troops killed and 856 wounded just since President Bush declared the end of major combat on May 1. How many more families must sacrifice? How many more families must sacrifice while we occupy Iraq?

The President says we will do whatever it takes. Mr. Rumsfeld says we will do whatever it takes. How many more families must sacrifice while we occupy Iraq?

A generation of "sacrifice" may also mean a slow sapping of key national priorities, including repairing the infrastructure which fuels our economic engine and funding the institutions and programs which benefit all Americans. Compare the latest request for the Iraq supplemental with the commitment in dollars to other vital programs, and the picture becomes more clear. President Bush is asking for \$87 billion for Iraq but only \$34.6 billion for Homeland Security—\$29-plus billion—which will come to the Senate soon in a bill which was marked up today. The President wants \$87 billion for Iraq but only \$66.2 billion for the discretionary programs for the Department of Health and Human Services.

The President seeks \$87 billion to secure Iraq but only \$52.1 billion for the U.S. Department of Education. The President wants \$87 billion to shore up Iraq but only \$29.3 billion for America's highways and road construction.

For the State Department and foreign aid for the entire world, President Bush sees a need for only \$27.4 billion. Yet Iraq is worth over three times that much to this White House.

Remember that \$87 billion is just for 2004 alone. Does anyone really believe it will be the last request we will receive for Iraq? No. This is just the tip of the iceberg, in all likelihood.

The President asked America for a generation of "sacrifice," but that noble-sounding word does not reveal the true nature of what the President demands from the American people. He asks them to supply the fighting men and women to prosecute his war.

Yes, he asked them, the American people, to supply the fighting men and women to prosecute his war. I am not talking about the war that began on September 11, 2001. That was an attack upon us by al-Qaida. I am talking about his war, the President's war in Iraq, which began in March of this year in which he, the Commander in Chief, ordered the attack on Iraq, a sovereign country that had not attacked us and which did not represent an imminent threat to the security of our country.

He implores our people to sacrifice adequate health care. He asks our people to settle for less than the best education for their children. Think about it. He asks our people, the American people, to sacrifice medical research that could prolong and save lives. He asks the American people to put up with unsafe highways and dangerous bridges. He asks them to live with substandard housing and foul water. He asks the American people to forego better public transportation and not just for now but for generations. And all of it for his folly in Iraq.

Most puzzling to this Senator is this President's stubborn refusal to guard against the terror threat at home by adequately funding Homeland Security. Is he asking us all to risk the safety of our homeland, too?

And to further insult the hard-working people of this Nation, George Walk-

er Bush proposes to lay this sacrifice not only on the adult population of this great country but on their children and their grandchildren by increasing the deficit with nary a thought to the consequences.

Yet not a peep can be heard from this White House about paying for some of this sacrifice of which the President speaks by foregoing a portion of future tax cuts, tax cuts that mainly benefit those citizens who do not need so many of the services the Government has to provide.

Our reputation around the globe, America's reputation around the globe, has already been seriously damaged by this administration. Are the dreams and hopes of millions of Americans to be "sacrificed" as well on the altar, on the bloody altar, of Iraq?

I urge my colleagues to think long and hard about the growing quagmire in Iraq. I urge members of the President's own party to warn him about the quicksand he asks America to wade in. We need a long and thorough debate about the future of our country. We need a serious discussion about the kind of America we will leave to our children and grandchildren. We need to renew our efforts to negotiate a peace agreement between Israel and the Palestinians. Are we fighting a war in Iraq when pushing the peace might better serve our cause? We must think again about world-wide terrorism—and it comes in many forms and shapes—and the best way to combat it. Let us not continue to simply wage the wrong war, Mr. Bush's war in Iraq.

#### ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, September 17 is a day of history in American calendar. On this day in 1630, the city of Boston was founded. On September 17, 1947, James V. Forrestal was sworn in as this Nation's first Secretary of Defense.

On September 17, 1920, the National Football league was formed in Canton, OH. On September 17, 1954, Ernie Banks became the first Black baseball player to wear a Chicago Cubs uniform. He was voted "best player ever" by Chicago fans when he retired in 1971. On September 17, 1984, Reggie Jackson hit his 500th career homer, seventeen years to the day after he hit his first major league home run.

On this day in 1911, the first transcontinental airplane flight took place between New York City and Pasadena, CA. It took pilot C.P. Rogers 82 hours to cover that distance. Just 65 years later, on September 17, 1976, the Space Shuttle was revealed to the public for the first time, ready to take men into the heavens. Such a lot of change in such a short period of time.

Last week, in another airplane related piece of history, the nation sadly observed the second anniversary of the tragic events of September 11, 2001. It was a terrible, terrible day, marked by the awful, abrupt end of too many innocent lives. September 17, 1862, was

another terrible, terrible day. On that beautiful September day, over 23,000 men were killed, wounded, or missing in action after the Battle of Antietam, outside Sharpsburg, MD—just over the line from the eastern panhandle of West Virginia. That battle was a turning point in the Civil War.

But by far, one of the most important events in this Nation's history happened on the 17th of September, 1787. On that memorable day, the members of the Constitutional Convention signed the document that has led this Nation safely through the shoals of history for the past 216 years, surviving even the devastation of the Civil War. It was this document that I hold in my hand: the Constitution of the United States of America.

That Constitution was not our first attempt at self-governance. It followed on the heels of the Articles of Confederation, which was the first Constitution, correcting the failures of that weak Government by establishing a stronger central Government to manage the differences between the States and to provide for the common good. And then, to assuage the concerns of those citizens who feared that a strong central Government would trample on the rights of the individual, the Constitution was amended after ratification with the first 10 constitutional amendments, guaranteeing individual freedoms in what has become known as the American Bill of Rights.

The Constitution of the United States has, sadly, been overlooked by many in the public over the years. It is not a lofty piece of rhetoric like the better known Declaration of Independence. But the Constitution is the strongest piece of armor protecting the rights and the freedoms of each and every citizen—your rights, your rights, your rights, yes, your rights, and yours, and yours, and mine. It deserves to be better known. It is, after all, our manual for governance, our handbook of Government, the tech manual for our national operating system. And unlike many technical manuals, it is easy to read and to understand, even 216 years later.

This short document is blunt and straightforward. It starts with only a preamble and then gets right to the heart. In Article I, it sets forth the domain of the legislative branch and the qualifying requirements for us legislators. It does the same for the executive branch in Article II, laying out the procedure for selecting a President and stating what his domain and powers shall be. Then the judicial branch gets the same treatment, short and sweet, in Article III. Article IV sets out the States' rights and duties to the central Government and provides for the addition of new States. Article V, in a single paragraph, lays out the procedure for amending the Constitution. Article VI provides for the transfer of power from the Articles of Confederation to the new Constitution and makes the Constitution and the Federal laws the

supreme law—together with treaties—the supreme law of the land. Article VII provides the procedure for ratifying the Constitution.

There it is. There it is—a new Government in only seven articles. It takes more verbiage than that just to buy a house in these days.

The Constitution is an amazing product of compromise and balance, created by just a handful of delegates—55—in under 4 months. Many of the delegates' names should be familiar to most Americans, names such as George Washington, who presided over the Constitutional Convention, and James Madison, George Mason, Benjamin Franklin, and Alexander Hamilton. Other famous names were not present, such as Thomas Jefferson. He was not there. He was serving at the time as the Ambassador to France. Then there was John Adams, who was in London as the U.S. Ambassador. The details of the Convention of 1787 make fascinating reading.

The Convention met in closed session, but James Madison obtained permission to take notes on the debates. His notes, supplemented by the outlines or drafts of other delegates, were not published until 1840—4 years after his death. They outline the evolution of the document, showing competing alternatives and the compromises that allowed the large and small States, and all of the other conflicting interests, to reach agreement on a final document that all agreed could be ratified by the States.

The body in which I speak, and to which I have been elected time and time again by the people of West Virginia, the Senate, is the result of one such contentious debate that almost caused the Convention to adjourn.

I was talking with the pages just the other day, and we talked about the Great Compromise. I talk with these pages, the Republican pages and the Democratic pages. They change from time to time. They will be here perhaps for half a semester or a full semester or a few days. When we are out for a break, there will be a different group of pages. And we talk about history. These fine pages and I were just commenting the other day about the Great Compromise. I said, What do we mean by the phrase the "Great Compromise"? Well, that is what I am referring to now.

At one point during the Convention, the Virginia plan called for the creation of a bicameral legislature, with each House's representation apportioned by population. This suited Virginia and other large States well but was opposed by small States that feared joining a Union so dominated by the larger States. The delegations from the small States argued that their citizens would never ratify a Constitution that did not recognize some form of State equality.

After 3 weeks of increasingly bitter debate, the delegates agreed to what has come to be known as the Great

Compromise. The result of that compromise is the Congress that we know today—a lower House, chosen according to population, and with the sole authority to originate revenue bills; and an upper House, the Senate, in which each State has an equal vote.

Other compromises were necessary for the Convention to reach agreement, some less successful than that which led to the composition of the Congress, some positively inspired. The delegates deliberated over the power of the executive; they deliberated over interstate commerce; they deliberated over the subject of slavery—these among other topics.

A small but inspired compromise is contained in the Preamble. The Preamble to the Articles of Confederation named the States in geographic order from north to south. Without knowing which States would ratify the Constitution, and in what order, the delegates in Philadelphia were uncertain how to list the participating States.

So the answer was a graceful new opening: "We the people of the United States . . . do ordain and establish this Constitution . . ." without ever mentioning the States by name.

Every citizen should be familiar with the Constitution. We should each have a little radar system, an intuitive raising of the hairs along the back of one's neck, when attempts are made to flout the Constitution, either by design or out of misguided good intentions. I fear that this radar system is not functioning as well as it should be. When it fails, the checks and balances contained in our Constitution begin to rust and then begin to grind to a halt. When the Congress does not jealously guard its prerogatives against an overreaching executive, the executive branch gains strength from power that it should not have.

The Founders of this Nation worried about creating too strong an executive. They worried about creating a tyrant such as the one, George III, against whom they had fought a war for freedom. So they created a system where the people's direct representatives called the shots the Congress writes the laws, controls the funds, and approves the nominees for key executive posts. If all of those restraints failed, the President was subject to impeachment and trial by Congress.

But today, in our fears about national security and our national political system dominated by political party considerations, we face a situation in which Congress is being pressured to act as a rubber stamp for a strong-willed Executive. We have seen this happen with respect to various and sundry executives some Democratic, some Republican. But in this instance, in the aftermath of September 11, 2001, there was a stampede to do something, anything, to avenge this vile attack on our citizens. The Congress did not seriously debate or consider the long term consequences of the call to action, and apparently, neither did the White

House. We rushed into war without a real declaration of war. Instead, Congress passed a resolution giving the President sweeping powers to take such action as he saw fit, including military action, in that region. As a result, our military is over-extended and committed to long-term nation-building efforts in Iraq and, to a degree, in Afghanistan. Members of Congress are labeled "unpatriotic" if Members question—even question—any request for additional funds for those efforts.

At the same time, political party pressures were applied to pass expensive "temporary" tax cuts theoretically aimed at restarting a sluggish economy. The long-term impact on the deficit will hamstring the Nation for years to come. Congress should know better. This Senate should know better. Those of us who have been around for a while can recall the tremendous effort—and compromise—needed to achieve deficit control in the late 1980s and early 1990s. We can recall all of the hard, hard decisions that had to be made to bring the deficit under control. Did we really forget all of that in those few short years of surplus? Well, if we did forget that lesson from history, I fear we are doomed to repeat it, and we struggle to bring these even larger deficits under control.

The time is long past for Members of Congress to reassert the authorities granted to them in the Constitution. A citizenry familiar with their Constitution should demand it. We are, after all, ". . . bound by oath or affirmation to support this Constitution . . ." in Article VI, if we take the time to read it that far.

In his Farewell Address, delivered to his cabinet on, fortuitously enough, September 17, 1796, George Washington made this observation:

. . . [Y]ou have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence with its measures, are duties enjoined by the fundamental maxims of true liberty.

Our Constitution is the foundation of our liberties, and we must be its guardians.

I would like to close with a poem by Henry Wadsworth Longfellow, entitled "O Ship of State."

Thou, too, sail on, O Ship of State!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!  
We know what Master laid thy keel,  
What Workmen wrought thy ribs of steel,  
Who made each mast, and sail, and rope,  
What anvils rang, what hammers beat,  
In what a forge and what a heat

Were shaped the anchors of thy hope!  
 Fear not each sudden sound and shock,  
 'Tis of the wave and not the rock;  
 'Tis but the flapping of the sail,  
 And not a rent made by the gale!  
 In spite of rock and tempest's roar,  
 In spite of false lights on the shore,  
 Sail on, nor fear to breast the sea!  
 Our hearts, our hopes, are all with thee.  
 Our hearts, our hopes, our prayers, our tears,  
 Our faith triumphant o'er our fears,  
 Are all with thee, -are all with thee!

I yield the floor and suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1734

Mr. DASCHLE. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1734.

Mr. DASCHLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funds for clinical services to the Indian Health Service, with an offset)

On page 88, beginning on line 17, strike "\$2,546,524,000" and all that follows through "Provided" on line 20, and insert the following: "\$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which \$2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*".

Mr. DASCHLE. Madam President, once again I come to the floor to bring to the attention of the Senate the critical shortfall in funding for the Indian Health Service. Through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaskan Natives. Sadly, we have not even come close to honoring this commitment.

The Indian Health Service is the only source of health care for many Indians and is required to provide it, yet funding has never been adequate.

The chronic underfunding has only grown worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

Last March, we offered an amendment to the budget resolution to provide \$2.9 billion to the Indian Health Service for the budget for the fiscal year 2004. Our amendment would not have met all of the health care needs in Indian country, not by far, but it would have provided enough room in the budget to fund basic clinical health care services for American Indians and Alaskan Natives.

Unfortunately, that amendment was defeated by a vote of 48 to 51, on a party-line vote.

The Republican leadership made a counteroffer. They proposed an amendment to increase IHS funding next year by \$292 million, one-tenth of what our amendment called for. The Senate adopted that amendment.

Since then, two important reports have been released.

In July, the U.S. Commission on Civil Rights released a report documenting shocking health care disparities between Indians and other Americans. In August, the U.S. Centers for Disease Control issued a report showing that Native Americans live sicker and die younger than other Americans as a result of inadequate health care.

Another important thing happened since the Senate voted last March to add \$292 million to the Indian Health Service's budget next year. Our colleagues on the other side agreed in conference to kill that funding increase. I am now offering an amendment that simply does what the Senate is on record having supported last March.

The amendment would restore the \$292 million increase for the Indian Health Service that this Senate supported overwhelmingly last March.

The Civil Rights Commission report compared health care funding for Native Americans to that for other groups for which the Federal Government has direct responsibility for health care. The report compared per capita health expenditures for 2003 by category.

This chart describes in detail the comparison, I would say in somewhat embarrassing detail when you look at where we are. For the general U.S. population on an annual per capita basis, about \$5,000 is spent. We spend in the VA a little more than what we spend on a national per capita basis, \$5,214. For understandable reasons, seniors generate more expense, and the per capita cost for Medicare is \$5,915. Medicaid drops somewhat below, about \$2,000 or \$1,500 below what we spend for the general population. Prisoners actually do almost as well as Medicare beneficiaries with \$3,803 for Federal prisoners and \$3,879 for Medicare.

Look where we are for the Indian Health Service clinical services per capita spending, \$1,914, well below what we pay for Federal prisoners; about half, frankly, of what it is we pay for prisoners today. This is what the Indian population gets per capita, this is what Federal prisoners get per capita: \$3,800 to \$1,900.

I have to say that I don't know what clearer message we could send than

that if we only spend per capita half for the Native American and Alaska population than what we spend for Federal prisoners in this country.

This funding is obviously woefully inadequate to meet the health care needs of Native Americans who, as I already noted, have a lower life expectancy than other Americans and a disproportionate number of serious medical problems. Indians have the highest rates of diabetes in the country, the highest rates of heart disease, the highest rates of sudden infant death syndrome, the highest rates of tuberculosis. There is also a great need for substance abuse and mental health services.

So while they have the greatest need, the greatest incidence of these extraordinarily difficult health problems, they have one-half the resources of what we commit to our Federal prisoners.

Native Americans are often denied care most of us take for granted, and in many cases would even consider essential. They are often required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. Sometimes lack of funds means care is postponed until Indians are literally at risk of losing their lives or their limbs. Others receive no care at all.

I will never forget talking to a man who is now a tribal leader from the Yankton reservation. He told me he was hunting and he stepped in a hole. This was before he was elected. He stepped in a badger hole or one of the holes in the field as he was hunting. He broke his leg, went to the hospital, and they said there was nothing they could do. They told him to come back. He came back the next day. They said there was nothing they could do. They said, we do not know when we can help you. You may need to go somewhere else.

Well, he was in such pain that he ended up lying in bed for close to 6 months and healed without any help whatsoever.

Today he walks with a limp, he has deep scars on his leg, and he considers himself lucky, lucky because he can walk again. That is happening today in America, and I think that is so intolerable, so unacceptable, so contrary to the commitment we made to Native American people. This is rationing at its worst. Rationing of care means all too often Indians are forced to wait until their medical condition becomes even more serious and more difficult to treat. It is a situation none of us would find acceptable, but this is the reality in Indian country.

Right now, the IHS service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian Health Service. The facility has a birthing room and 22 beds, but there are only 2 to 3 doctors to staff the clinic, hospital, and emergency room.

Naturally, as a result, many children and expectant mothers do not receive

the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but without ultrasound that went undetected. The available medical staff did not know what to do about his lowered heartbeat, abnormal urinalysis, or the fact his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre, which is the closest city off the reservation, to see an obstetrician. Brayden was stillborn.

This tragic death was completely preventable, but tough choices are being made every single day at IHS facilities throughout the country because there simply is not enough money to provide the care every American deserves.

I received a letter not long ago from Michelle German about her daughter Brittany.

This is Brittany. I have the letter, and I will read portions of it. Michelle writes:

My daughter Brittany is thirteen years old and for the last couple of years has suffered from a skin disorder called polymorphous light erosion/eruption, which basically means she is allergic to UV rays (the sun). We had visited many doctors, at the Sisseton Indian Health Service and the Coteau des Prairie Clinic (also located in Sisseton) before being referred to a dermatologist in Fargo. . . . The Indian Health Service denied our request for a referral due to the lack of funding, but I find this very ironic because I had my own insurance. However, I was told that her condition has already been diagnosed, it is not life threatening and that the Indian Health Services were not going to be responsible for any debt that my insurance would not cover. Since this had all taken place, I had lost my job and my insurance. I find it frustrating that we were over income to qualify for Medicaid or the CHIPS program through the State of South Dakota!

To make a long story a little shorter, we have been doctoring back at the Indian Health Service and now we are battling the pharmacy because it does not carry the medication that has been prescribed to her by the dermatologist. Brittany has been [on] various medications throughout her clinic visits at the Indian Health Service without success. The prescribed medications, that are working, are not available through the Indian Health Pharmacy and I have been purchasing it from our local drug store in the amount of forty-five dollars per forty-five gram tube.

Brittany has gone through quite an ordeal because of the question "what is the matter with your face?" and now it is on her arms and legs which are beginning to scar due to the scratching. She has been limited to being kept indoors from the hours of 10 a.m. to 3

p.m. to prevent any outbreaks and the itchiness that follows. This is very hard for both of us because she is a very active teenager who enjoys playing golf, softball and swimming. We have had to change the type of clothing worn in the summer, the bathing soaps and lotions; she is now required to wear sunscreen and lip screen throughout her time outside. . . .

I could go on, . . . but I think you get the idea. I have attached a picture of my daughter when the skin rash started on her face for your review.

I hope this helps explain her story. We have case after case. This may not be life-threatening. But Brittany is not able to get the help she needs, the attention she needs, the treatment she needs, in large measure because IHS has said in her case they do not see a life-threatening problem.

This is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with the IHS.

The Lake Andes-Wagner ambulance district in southeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service. This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents, Indian or non-Indian, do when they face an emergency?

Bennett County Hospital in southwestern South Dakota suffers similar IHS reimbursement problems, as do others in the non-IHS areas throughout rural America.

In his budget request for the next fiscal year, the President requested only \$1.9 billion for clinical services for Indians. This represents a very small increase over what the President requested for fiscal year 2003 and no increase over what was finally included in the omnibus appropriations bill. We can and we must do better.

The amendment I am proposing again would increase funding for clinical services by a mere \$292 million. I would like to say that this is the minimum amount that is necessary to provide basic health care to the current IHS user population, but I can't say that. The minimum amount necessary is an additional \$2.9 billion, and this is one-tenth of that amount.

Today, I am asking the Senate to live up to the commitment it made last March, to make that extremely modest \$292 million increase real by including it in this appropriations bill. It is nowhere near enough, and it is sorely needed to address the severe funding shortfall the Indian Health Service faces.

The cost of the amendment is offset by revenue raised from an extension of the customs user fee that will otherwise expire on September 30. We all agree the extension is inevitable. This will require only a small portion of those funds, and I can think of no better use for the money.

Native Americans are facing a literal "life or limb" test before they can access health care today. We are spending twice as much per capita on Federal prisoners' health than on the health care for the Indians to whom we promised full health benefits. We simply cannot tolerate this. The problem is real. The solution is simple. We must start giving the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

Let's take this modest step toward that end.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1635 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

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#### PESTICIDE REGISTRATION APPLICATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a chart outlining the proposed decision time review periods for various categories of pesticide registration applications submitted to the Environmental Protection Agency.

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